



# **Burlington City Council Meeting**

## **October 7, 2014**

**Municipal Building Council Chamber**

**7:00 p.m.**

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**CALL TO ORDER:** Mayor Ronnie Wall

**INVOCATION:** Councilmember Bob Ward

**PRESENTATION BY COUNCIL:** Mr. Charles Bateman

**PROCLAMATION:** Pitt Hopkins Syndrome Awareness Month

**CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST:** City Clerk Renee Ward

**APPROVAL OF MINUTES:**

- September 15, 2014 – Work Session
- September 16, 2014 – City Council

**ADOPTION OF AGENDA**

**CONSENT AGENDA:**

**ITEM 1:**

- A.** To approve a reclassification in Human Resources from a part-time Office Assistant II position to a full-time Level 15, Medical Receptionist.
- B.** To approve a reclassification in Police Department, Animal Services from a Level 18, Animal Shelter Assistant Supervisor to a Level 21, Animal Shelter Manager.
- C.** To authorize the Mayor, City Manager, City Attorney and Director of Finance and Risk Management to execute the necessary documents and to request reimbursements from the Federal Transit Administration Section 5307 Transit grant.
- D.** To approve a Notice of Intent by the City of Burlington to consider adoption of a resolution authorizing an amendment to the water tower attachment communication site agreement with Alltel Communications, LLC D/B/A Version Wireless.
- E.** To temporarily close Lexington Avenue from Davis Street to Maple Avenue on October 31, 2014, from 2:00pm until 3:30pm for the Downtown Halloween Spooktacular events and parade.

- F.** To temporarily close the following streets on Saturday, November 22, 2014, beginning at 8:00am for the City of Burlington annual Christmas parade:
- Starting point for the parade will be Lexington Avenue at Front Street
  - Front Street to Worth Street
  - Worth Street to Davis Street
  - Davis Street to Spring Street
  - Spring Street to Maple Avenue
  - Maple Avenue to Main Street
  - Main Street to Kitchin Street
- G.** To approve a final plat for Tayside Townhomes, Mackintosh on the Lake, Phase One, Section Two. The property is located west of Bonnar Bridge Parkway as shown on plans by Alley, Williams, Carmen & King, Inc., dated August 15, 2014, and containing seven lots.
- H.** To approve a final plat for MacArthur Villas, Phase Three. The property is located west of MacArthur Lane as shown on plans by Alley, Williams, Carmen & King, Inc., dated August 28, 2014, and containing 23 lots.

**I.** Budget Amendment 2015-22 Fire Station – NC Department of Insurance

BA2015-22

Increase Revenues:

010-33107-5310	Fire Grants	\$ 400
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Increase Expenditures:

010-53534-3300	Departmental Supplies	\$ 400
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**J.** Budget Amendment 2015-23 –Police – Donation

BA2015-23

Increase Revenue:

010-39398-0000	Appropriated Fund Balance	\$ 3,000
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Increase Expense:

010-51517-3300	Departmental Supplies	\$ 3,000
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**K.** Budget Amendment 2015-24 – Fire – Donation

BA2015-24

Increase Revenues:

010-33303-5340	Contributions – Fire	\$ 250
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Increase Expenditures:

010-53534-3300	Departmental Supplies	\$ 250
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- L.** To approve Change Order No. 1 to Park Construction of NC, Inc., in the amount of \$199,705 for the 42-inch Haw River Interceptor Replacement, Phase 1 and approve Budget Amendment 2015-26 to cover costs of the project.

BA2015-26

Increase Revenues:

030-39398-0000	Appropriated Fund Balance	\$199,705
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Increase Expenditures:

030-75705-7500	Construction in Progress	\$199,705
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**PUBLIC HEARINGS:**

- 4.** A public hearing has been scheduled to consider a contiguous voluntary annexation for property located at 2474 Hoskins Road. A valid petition has been received.
- 5.** A public hearing has been scheduled to consider a contiguous voluntary annexation for property located at 3728 Alamance Road. A valid petition has been received.
- 6.** A public hearing has been scheduled to consider permanently closing Albright Avenue between Somers Avenue to the end.
- 7.** A public hearing has been scheduled to receive public comments on limiting tethering of animals in the City of Burlington.

**NEW BUSINESS:**

- 8.** City Council will consider approving a contract between the City of Burlington and RATIO Architects, Inc. of Raleigh for the City of Burlington's Unified Development Ordinance (UDO) and to approve Budget Amendment 2015-25 in the amount of \$138,200 to cover the costs of the project.

BA2015-25 – Planning - Unified Development Ordinance

Increase Revenues:

010-39398-0000	Appropriated Fund Balance	\$138,200
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Increase Expenditures:

010-49491-1900	Professional Services	\$138,200
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**PUBLIC COMMENT PERIOD**

**CITY COUNCIL COMMENTS**

**ADJOURN**



# PROCLAMATION

PROCLAIMING OCTOBER 2014, AS

## **“Pitt Hopkins Syndrome Awareness Month”**

**IN THE CITY OF BURLINGTON**

**WHEREAS**, Pitt Hopkins Syndrome is a rare and severe neurological disorder caused by a spontaneous mutation on the 18th chromosome; and

**WHEREAS**, Pitt Hopkins Syndrome is characterized by developmental delays, moderate to severe intellectual disability, breathing problems, epilepsy or recurrent seizures, gastrointestinal issues and distinctive facial features; and

**WHEREAS**, Most affected individuals do not learn to walk unassisted and do not develop speech, but not all symptoms need to be present to warrant genetic testing in individuals; and

**WHEREAS**, Pitt Hopkins Syndrome was first described by two physicians in 1978, however, until recently, the diagnosis was based on a person's medical history and a physical examination; and

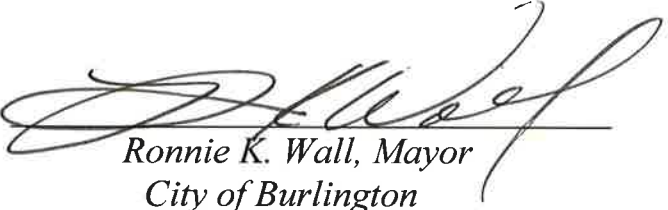
**WHEREAS**, Approximately 400 people worldwide have been diagnosed with Pitt Hopkins Syndrome, however, given the fact that the discovery of the gene happened just six years ago, there are likely many others out there that remain undiagnosed; and

**WHEREAS**, Given its rarity, online support groups play a pivotal role for individuals, families and their loved ones to connect and increase awareness; and

**WHEREAS**, The Pitt Hopkins Research Foundation is an all-volunteer organization of families and professionals dedicated to finding a cure for Pitt Hopkins Syndrome through the funding of research, education and advocacy and its Board of Directors is currently comprised of parents and grandparents of children and adults with Pitt Hopkins Syndrome; and

**THEREFORE BE IT RESOLVED**, That I, Ronnie K. Wall, do here by proclaim October as **“Pitt Hopkins Syndrome Awareness Month”** in the City of Burlington and in recognition of the needs of individuals with Pitt Hopkins Syndrome and urge all citizens to support the need for awareness and education regarding Pitt Hopkins Syndrome in order to assist those individuals and families who deal with this syndrome everyday of their lives.

Presented this 7<sup>th</sup> day of October 2014.

  
Ronnie K. Wall, Mayor  
City of Burlington



## **MINUTES OF THE CITY OF BURLINGTON CITY COUNCIL WORK SESSION**

**September 15, 2014**

The City Council of the City of Burlington held a regularly scheduled work session in the Municipal Conference Room, 425 South Lexington Avenue, Burlington, N.C., on September 15, 2014, at 5:00 p.m.

**Councilmembers present:**

Mayor Ronnie K. Wall

Mayor Pro Tem David Huffman

Councilmembers Celo Faucette (*entered late*) and Robert Ward

**Councilmembers absent:** James Butler

**City Manager:** Harold Owen, absent

**City Attorney:** Charles Bateman, present

**City Clerk:** Renee Ward, present

**Staff Present:** Frank Hope, Nolan Kirkman, Bob Patterson, Peggy Reece, Amy Nelson, Tony Laws, Lisa Wolff, Rodger Burden, Lanny Rhew, Police Chief Jeff Smythe, Daniel Shoffner, David Beal, Mike Nunn and Rachel Kelly

**Media Present:** Tomas Murowski, Alamance News; Anna Johnson, Times-News

**Guest Present:** Richard Parker

### **A. Water and Sewer Requests**

*3728 Alamance Road*

***Daniel Shoffner***

*Senior Planner*

Senior Planner Daniel Shoffner said that in the spring of this year Council approved a change to requests for water and sewer taps outside the City. He said that this change to the policy allowed staff the ability to issue taps as long as signatures, utility agreements and annexation petitions were obtained. He said that then staff would bring to Council the requests for Council to elect whether to annex or not. Mr. Shoffner said that the following three requests had proper paper work completed, agreements recorded, and that City Attorney Bateman had certified each request.

### **3728 Alamance Road**

Mr. Shoffner said that this property was contiguous to the City and had both water and sewer lines available. He said that Staff recommended that this property be annexed in the near future because it could be served with all City services. He said that this property was on the consent agenda for September 16, 2014, to set a date of public hearing for October 7, 2014.

### **3602 Harris Road**

Mr. Shoffner said that this property was near Lake Macintosh and the water plant. He said that this was a water request only because the City did not have sewer available and that it would be a satellite annexation. He said that the State Statute required that the City supply all City services to this parcel including sewer if it were to be annexed. He said that it would not be feasible to tap to sewer because the closest sewer line was below the quarry on Huffman Mill Road. Mr. Shoffner said that Staff recommended against annexation at this time.

Councilmember Ward asked if this request would be on the agenda for Council to vote yes or no to hold a public hearing to annex. He said that for the record, place this item on the agenda for Council recommendation to not hold a public hearing but to consider annexation at a later date.

### **1213 Gordon Street**

Mr. Shoffner said that this property was located off Durham Street Extension and Burch Bridge Road in the northwest area of the City's ETJ. He said that it was approximately a mile and a half to this parcel. He said CDBG had installed water and sewer lines many years ago and staff recommended against annexing at this time due to its distance from the City limits.

## **B. Demolition**

*627 Cameron Street*

***David Beal***

*Assistant Director for Planning Services*

Assistant Director for Planning Services David Beal said that this property had been approved for demolition by the City's Housing Commission and if Council approved the demolition ordinance it would allow the City to have the house removed and cleaned up with a tax lien against the property. Mr. Beal said that this property would be on the consent agenda for September 16, 2014, City Council meeting for Council's approval.

## **C. Transit Project Policies & Advisory Commission**

***Charles Bateman***

*City Attorney*

City Attorney Charles Bateman said that the following three policies were required in order to file an application as grantee for a public transit system.

## **Title VI Assurances and Policy Statement**

Mr. Bateman said that the Title VI was a basic policy stating that the City of Burlington would not discriminate against race, sex, age or national origin. He said that the following summed up the Title VI policy:

*It is the policy of the City of Burlington to ensure that no person shall, on the ground of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.*

Mr. Bateman said this policy only applied to federal programs such as the transportation system. He said this was a standard policy and asked that it be placed on the September 16, 2014, City Council agenda for adoption.

## **City of Burlington Conflict of Interest Policy**

City Attorney Bateman said that he had received a call from Councilmember Bob Ward requesting approval of this policy to be placed on hold at this time for further review. Mr. Bateman said that delaying approval of this policy would not hurt the application process.

## **City of Burlington Disadvantaged Business Enterprise Program**

Mike Nunn, Transportation Planning Manager, Burlington-Graham MPO reviewed the Disadvantaged Business Enterprise Program:

**To be eligible for DBE certification**, you are presumed to be disadvantaged if you are a woman, Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, or other minority found to be disadvantaged by the Small Business Administration (SBA), **in addition to your disadvantaged status:**

- Your net, worth which excludes your equity in your primary residence and your ownership interest in the firm, cannot exceed \$1.32 million.
- You as the disadvantaged individual must own at least 51% of the business or the corporation's stock.
- You, as the disadvantaged individual, must control the firm's management and daily operations, and share in the risks and profits commensurate with your ownership and interest.



- All DBEs who wish to be certified in the state of North Carolina must be certified in their home state.

- *Certification / Monitoring: City Purchasing*
- *Contract documents / Solicitations*
- *Bidders List / Outreach*
- *Contractor compliance*
- *Annual updates to bidders and DBE goals*
- *Help remove barriers to contracts for DBE certified firms*
- *Encourage certified firms to participate*
- *Ensure nondiscrimination in federal/state contracts*
- *Certification & Renewal process*

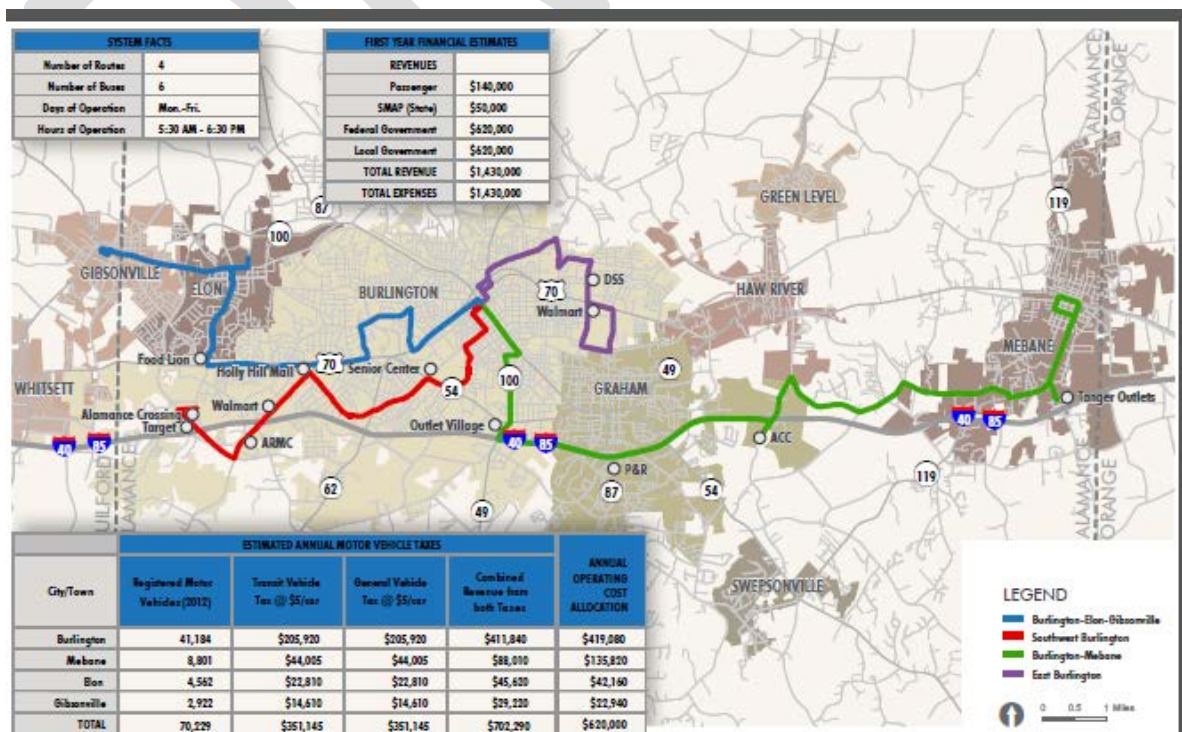
## D. Transit Service Area

ACC Connection

**Nolan Kirkman**

Director of Development & Technical Services

Director of Development & Technical Services, Nolan Kirkman said that the City Manager had sent letters on August 13, 2014, to Elon, Gibsonville and Mebane requesting a response by October 8, 2014, as to participation in a transit system. He said that the connection to Alamance Community College was an important piece in the decision making process particularly for Mebane. He said that this particular route from Burlington City limits to ACC, considering Graham's lack of participation, would cost approximately \$72,500 to service. He said the question was would the City of Burlington extend services to ACC and pick up that portion of the cost and if Council agreed that cost had been included in the \$419,000 estimated operational cost.





Mr. Kirkman said that a letter from President Gatewood, Alamance Community College was provided in the work session agenda packet stating there were over 3,500 students enrolled from

Burlington and Gibsonville zip codes and over 1,000 ACTA trips to the campus in a six-month period. He said that this would be a good support of the system and would increase ridership and overall success of the system. Mr. Kirkman said again, the cost to the City would be \$72,500 if Council elected a route to ACC. He said that the other jurisdictions would have one meeting between now and October 8, 2014, and the sooner we can let them know something, the better.

Mayor Pro Tem Huffman asked of those 3,500 how many were day students as opposed to night students?

Mr. Kirkman said he did not have that level of information, but would get it.

Mayor Wall asked if President Gatewood mentioned in his letter supporting the transit system financially.

Mr. Kirkman replied no.

City Attorney Bateman said it would be beneficial to include ACC in the route and could be an advantage.

Mayor Wall asked when this decision needed to be made.

Mr. Kirkman said tonight or tomorrow night.

Mayor Wall suggested making that decision be made at the September 16, 2014, City Council agenda.

#### **E. Staff Report – Public Works and Engineering**

*Nolan Kirkman  
Lanny Rhew  
City Engineer*

Director of Development & Technical Services Nolan Kirkman gave the following departmental report:

## Street Division



### Streets

- 244 center line miles of streets (includes 6 miles of soil streets)
- patching for resurfacing, utility cuts and pothole repair
- curb and gutter replacement
- right of way maintenance and mowing
- ditch maintenance
- guardrail maintenance
- concrete islands
- litter pickup
- crack sealing

### Sidewalks

- 100 miles of sidewalks
- identify/correct hazards and obstructions (trip hazards, encroachments...)

### Storm Water

- maintain 335 heads of pipes, 950 grates, and 3,212 catch basins
- replace/install driveway culverts on city rights of way by request

### Snow/Ice/Debris Removal

- treat 225 lane miles of thoroughfare and secondary roads (10,000 gallons of brine and 50 tons of salt per application)
- plowing operations of 500 lane miles performed as needed

### Special Projects

- Police Firing Range
- Sellars Mill Road widening
- McKinney Street @ N. Church Street Intersection improvement
- Headwall at Indian Valley Golf Course
- BMX Track Improvement
- Shannon Drive Pedestrian Improvement
- Fairchild Soccer Complex

## Inspections Division



### Permits

- 3,000+ permits annually

### Inspections

- 7,000+ inspections annually
- Building
- Electrical
- Mechanical
- Plumbing

### Plan Review

- Commercial (52 to date in 2014)
- Residential

### Substandard Property

- Condemnation, Hearings, Repair or Demolish Orders, Demolition (i.e. Ross Street, etc.)

## Projects, Operations, Sustainability Division



### Capital Projects

- work with departments to implement capital projects and maintenance & repair upgrades
- scope, schedule, cost estimates, design and construction admin of projects ranging from \$30,000 to \$3 million

### Special Projects

- assist with special project needs for the city, i.e. storm debris, waste water treatment upgrades

### Recycling

- manage residential recycling contract

### Energy

- manage \$2.8 million energy budget

## Cemetery & Grounds Division



### Mowing

- 1,300 Acres/month on average in parks and cemeteries

### Landscape Maintenance

- Trees pruned- 2,828
- Trees Planted- 76
- Shrubs Trimmed- 3,406
- Shrubs Planted- 65
- >100 planters and beds in downtown area

### Burials

- ~250 burials annually (N. Lawn, Pine Hill, Rest Haven)
- Billing (>\$100k/yr)

### Leaf Collection

- 24,399 cubic yards collected

### New Leaf Society

Tree City Award- 20 Years

Tree & Appearance Commission

## Sanitation Division



### Services

- 16,000+ customers
- residential, small business, multi-family
- weekly: refuse/yard-waste, limbs, junk, metals
- bi-weekly: recycling

### Tonnages

- refuse (12,000+ tons)
- recycling (2,800 tons; contract)
- yard waste (2200 tons)
- bulk limbs (2400 tons)

### E-waste events

- twice per year
- October 4th next event



## Building Maintenance Division



### Maintenance

- 200+ buildings/structures
- HVAC, Electrical, Plumbing, Bldg.
- 700+ work orders

### Construction

- Remodel existing facilities-  
Examples: Police training center,  
administration & secure area, Fire  
Department- Administration.  
Baseball Stadium- Grandstand and  
scoreboard
- New Buildings- BMX Concession  
stand, Police shooting range

### Licensed Professionals

## Equipment Services Division



### Service and Repair

- 1,000+ pieces of equipment
  - fire trucks to weed trimmers
- 2,200+ PM's
- 300+ Inspections
- In the last fiscal year our fleet has  
traveled 2,688,702 miles

### Fuel

- provide fuel for COB, ACTA and the  
Sheriff Dept fleet
- 560,497 gallons in FY14 at a cost of  
\$ 1,614,605.00

## Traffic Signal Division



### Signal Maintenance

- 208 signalized intersections in  
Burlington and Graham
- Signal Timing
- PM twice/yr
- 21 equipment upgrades
- 280 trouble calls
- ~50 miles of fiber
- 385 underground locates

### Street Lights

- ~4000 street lights
- 303 Street light repair requests
- 98 New Street light requests

### Plan Review

- TRC - transportation review

### Traffic Commission

## Traffic Signs & Markings Division



### Maintenance

- Replaced/Installed 925 signs and 449 posts
- PM's on 3,736 traffic signs/posts
- Fabricated 1,018 signs
- Painted 11,479 feet of 4" traffic line
- Worked with Contractor to install 19,882 feet of thermoplastic 4" traffic line

### Illegal Sign Removal

- Removed 1,420 Illegal signs

### Event Support

City Engineer Lanny Rhew gave the following Engineering Department report:

Mr. Rhew said that the primary role of the Engineering Department was overseeing design and construction of public horizontal infrastructure to ensure it's constructed to the highest possible standards for the safety and welfare of its citizens. He said horizontal infrastructure includes roadways, bridges, sidewalks, Safe Routes to School sidewalks, sanitary sewer mains, and water mains.







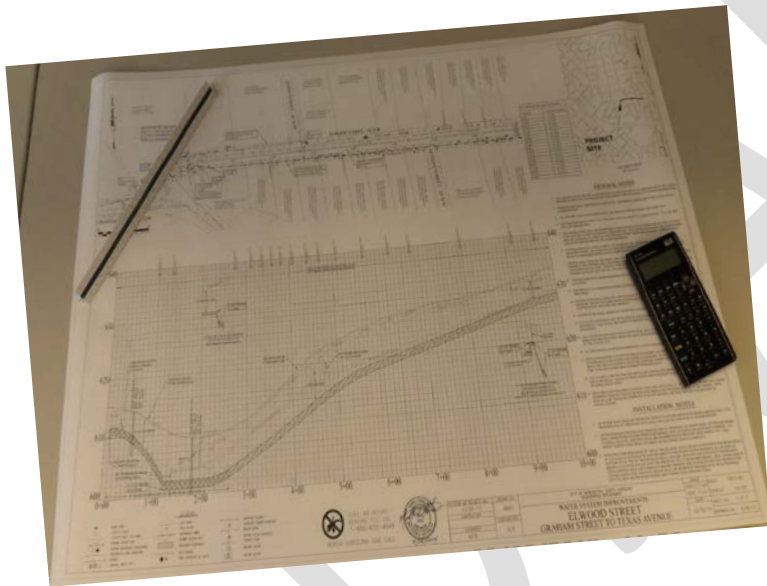
This principal role lends itself to other responsibilities in support of this:

- Permanent record keeping  
Powell bill maps, construction drawings, assessment maps, etc.
- Manages the bridge bi-annual Inspection program administered through the State.





- ROW and easement mapping. Prior to acceptance, ensure all required ROW and easement dedication.



Other functions include:

- Support to other Departments:  
*Water Resources, Public Works, Recreation, Planning*
- Technical support to the Flood Plain Administrator
- Manage the City Land Disturbance program  
*Review & monitor land disturbing activities, submits state audits annually*
- Protection of the City public rights-of-way  
*Many request to perform work we ensure ROW is restored to like or better condition.*

Through the support of the City Manager and the HR Department the Engineering Department has been able to attract and retain 11 highly qualified full-time professionals:

- 3 Professional Engineers and 1 Engineering Intern
- 1 Professional Land Surveyor and 2 Field Surveyors
- 2 NC DOT Certified Construction Inspectors
- Mapping Technician
- Administrative Assistant

This high level of professional staff allows us to perform many complex tasks in a very efficient manner.

## **F. City Council Comments**

City Attorney Bateman said that a request for alcohol at Lake Cammack would be on the September 16, 2014, agenda for Council consideration. He said that staff members from several departments had meet at length and discussed a recommendation for Council. He said that Staff had agreed to conduct an extensive review of all public properties before allowing events containing alcohol sales or consumption on public property. He said that Staff was concerned with allowing alcohol when more requests would follow and that Staff had a duty of due process to treat everyone equally. He said that this request would be up to the Council.

Mr. Bateman said that included in the agenda packet was the first draft of a commission structure for transit and asked for Council input on the final draft.

Councilmember Ward asked about the request of serving alcohol at Camp Green Leaves, was it staff's recommendation to not allow alcohol.

Mr. Bateman replied that was correct and said that Staff would like to undertake an extensive review of all City-owned venues to determine which venue might be appropriate to consider provisions of alcohol and then to bring that recommendation to Council for consideration.

Councilmember Ward asked if the group submitted an application and had it been completed.

Recreation and Parks Director Tony Laws said the application was completed and that the insurance coverage was pending. He said that the Recreation and Parks Commission recommended approval of allowing alcohol at Lake Cammack.

Mr. Kirkman asked if Council would like to have conversations on what a long-term governance system might look like as surrounding Cities attempt to make a decision to be a part of Burlington's transit system.

Mr. Bateman said that until the system is operational, decisions would be made through the City Council and at some point it would be an issue for the Council to give direction for governance.

Mayor Wall said that due to working on a time-line if there were items needing to be considered, to go ahead and place those items on the agenda.

## **ADJOURN**

Meeting adjourned at 7:37 P.M.

*Renee M. Ward*

Renee M. Ward  
City Clerk



**MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
SEPTEMBER 16, 2014**

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on September 16, 2014, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Ronnie Wall, Mayor Pro Tem David Huffman,  
Councilmembers Celo Faucette, Robert Ward and James Butler

Councilmembers Absent: None

City Manager: Harold Owen, Absent

City Attorney: Charles Bateman, Present

City Clerk: Renee M. Ward, Present

**CALL TO ORDER:** Mayor Ronnie Wall

**INVOCATION:** Councilmember Celo Faucette

**PROCLAMATIONS:**

- Council proclaimed September 20, 2014, as Arbor Day in the City of Burlington. Mayor Wall presented the proclamation to Cemetery and Grounds Superintendent Jeff Parsons.



- Council proclaimed the Month of October as Fire Prevention Month. A proclamation was presented to Assistant Chief Mike Willets and Captain Bud Catoe



**CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST:** City Clerk Renee Ward

There were no conflicts of interest reported.

**APPROVAL OF MINUTES:** September 2, 2014 – City Council Meeting

Upon motion by Councilmember Faucette, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the above listed minutes.

**ADD-ONS:**

- **Consent Agenda – Item H:** Adopt Title VI Assurances and Policy and Disadvantaged Business Enterprise Program Policy Statements

- **New Business:**

**Item 10** - Set a Date of Public Hearing – 2474 Hoskins Road – Voluntary Annexation

**Item 11** - Set a Date of Public Hearing – 3728 Alamance Road - Voluntary Annexation

**Item 12** - Set a Date of Public Hearing – 3602 Harris Street – Voluntary Annexation

**Item 13** - Set a Date of Public Hearing – 1213 Gordon Street – Voluntary Annexation

**Item 14** - Consider ACC Connection – Transit System

**Item 15** - Consider a Moratorium on the “No Cruising” Ordinance

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to approve the above listed add-ons.

## **ADOPTION OF AGENDA**

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ward, it was resolved unanimously to adopt the agenda with add-ons.

## **CONSENT AGENDA:**

### **ITEM 1:**

- A.** To adopt an ordinance to approve the Traffic Commission recommendation to shift the existing 30 foot loading zone on Front Street by the corner of Worth Street southeast along Front Street by a distance of 90 feet. Parking spaces will be created at the old loading zone location.

### **Ordinance #14-25**

## **AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE**

BE IT ORDAINED by the City Council of the City of Burlington:

- A) To shift the existing 30 foot loading zone on Front Street by the corner of Worth Street southeast along Front by a distance of 90 feet. Parking spaces will be created at the old loading zone location.
  - B) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.
  - C) That this ordinance shall take effect upon passage.
- B.** To adopt an ordinance requiring the demolition of property located at 627 Cameron Street.

### **Ordinance #14-26**



**ORDINANCE REQUIRING THE DEMOLITION OF HOUSE LOCATED AT 627 Cameron Street IN THE CITY OF BURLINGTON**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NC:

- Section 1. That the house located at 627 Cameron Street and owned by Caswell & Rebecca Elliott has been found by the Building Inspector to be in such a dilapidated state of disrepair with substandard conditions such as to be
- dangerous to life, health and other property and constitute a fire or safety hazard to the residents of the City of Burlington.
- Section 2. That the owner of said property has been duly notified after *Complaint and Notice of Hearing* has been duly held by the Building Inspector to demolish and remove the said house above mentioned and the owner has failed to obey such order.
- Section 3. That this Council has found and does hereby find that the Building Inspector has complied fully with the provisions said Chapter 14 of the City of Burlington Code of Ordinances; and, that after careful review of the findings of the Building Inspector, the Council has found and does hereby find and determine that the house in question is in such a dilapidated and substandard state of disrepair as to constitute a fire or safety hazard and is dangerous to life, health and other property; and, that the owner of said houses has failed to have the house demolished and removed; and, that all proceedings of the Building Inspector are hereby incorporated into and made a part of this ordinance by reference.
- Section 4. That it is, therefore, ordered that the Building Inspector proceeds with the complete demolition and removal of said house immediately.
- Section 5. That the City Tax Collector is hereby directed to place on the City's tax records all costs incurred as a result of the demolition and removal of the house named above and such costs are to be collected in accordance with the applicable laws.
- Section 6. That subject to Section 10 hereof, the demolition and removal of said house shall be completed within sixty (60) days from the date hereof.
- Section 7. That in the event there shall be any excess funds arising from the salvage and resulting from the demolition and removal of the house mentioned, after paying all costs connected with such demolition and removal, any such balance remaining shall be deposited in the office of the Clerk of Superior Court of Alamance County, NC, by the Building Inspector to be secured in such manner as may be directed by the said court and

disbursed by the court to the person or persons found to be entitled thereto by the final order decree of such court.

Section 8. That subject to Section 10, hereof, this ordinance shall constitute a final order or condemnation and demolition and removal of such house.

Section 9. That the contract for demolition will be awarded to the approved bidder subject to the criteria set forth in the City's Request for Proposals Building Demolition form.

Section 10. Said ordinance shall be effective ten (10) days from this date.

**C.** To approve a carnival permit for Powers Great American Midways to operate October 8, 2014, through October 12, 2014, from 5:00 P.M. until 11:00 P.M. weekdays from 1:00 P.M. until 11:00 P.M. on Saturday and Sunday. The carnival will be held in the Holly Hill Mall parking lot located at the southwest corner of International Drive and Ann Elizabeth Drive. All requirements have been met.

**D.** To approve an agreement to extend a contract not to exceed \$20,000 between the City of Burlington and Virginia G. Booker to complete updates to the City of Burlington Code of Ordinances through June 30, 2015.

**E.** Budget Amendment 2015-19 – CDBG Reallocation of Funds

BA2015-19

Decrease Expenditures:

554-60107-6854 12-13	Ireland St. Sidewalks	\$8,231.79
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Increase Expenditures:

554-60107-6851 12-13	Allied Churches Upgrade	\$8,231.79
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**F.** Budget Amendment 2015-20 – RICO Appropriations

BA2015-20

Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$ 32,055
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Increase Expenditures:

013-52520-1401	Training	\$ 5,000
013-52520-1500	Maint/Repair Bldg & Grnd	3,000
013-52520-1900	Professional Services	1,400
013-52520-3300	Departmental Supplies	7,055
013-52520-3390	Equipment not Capitalized	15,600

**G.** Budget Amendment 2015-21 – Police – Amend Edward Byrne Justice Assistance Grant Project Ordinance

EDWARD BYRNE JUSTICE ASSISTANCE GRANTS  
#1 & #2 & #3 & #4 & #5 & #6 & #7 & #8 & #9 & #10 & #11  
GRANT PROJECT ORDINANCE  
BA2015-21

(Originally established with BA2007-07, amended with BA2008-27, BA2009-11, BA2010-02,  
BA2010-18, BA2010-33, BA2011-04, BA2012-12, BA2013-13 & BA2014-21)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted.

Sec. 1. The project authorized is the Edward Byrne Justice Assistance Grant Project Ordinance. Grant #1 is used to assist in the purchase of covert camera systems for County Sheriff and Police Departments, and SRT Tactical Vest & communication equipment for Police Department. Grant #2 is used to assist in the purchase of in-car video equipment for the County Sheriff's Department, and for Spanish Language training for the Police Department. Grant #3 is used to enhance forty (40) of the 800 MHz radios within the department. Grant #4 will be used to purchase three sets of stainless steel furniture (tables and benches) to replace aging furniture that has been in use in the Burlington Police Department prisoner processing area since 1986. Grant #5 will be used to purchase six police cruisers, six sets of light bars, five portable 800 MHz radios, one surveillance alarm, ten digital recorders and DVR software updates for an audio-visual system. This grant will also fund the Junior Police Academy program scheduled for July 2009. Grant #6 will be used to purchase two (2) new vehicles to replace two aging marked police cruisers. The City is required to act as fiscal agent for Alamance County, City of Graham, and City of Mebane for the receipt of grant funds and disbursement for their share(s) of the total grant. Grant #7 will be used to purchase two (2) portable radios and a video recorder for the headquarters interview room. The grant will also be used for VIPER software upgrades to existing portable radios. Grant #8 will be used to purchase accident reconstruction equipment and software, recording equipment and software for interview room, one hundred and six (106) in-car printer mounts, a key management system, surveillance system and a conversion kit for fourteen (14) SRT radio headsets. Grant #9 will be used to fund the Burlington Junior Police Academy for three years, and to purchase eighteen (18) tables for the training classroom at the new shooting range. Grant #10 will be used to purchase both lights and holsters (105 of each) for Glock handguns, four (4) AR-15 rifles, fifteen (15) in-car printers, eight (8) printer mounts, and twelve (12) RAM printer cables. Grant #11 will be used to purchase (2) fixed license plate readers, (10) TASERS, (9) TASER holsters, (9) TASER batteries, (2) synthetic bite sleeves, (1) combat harness, (1) kennel kit with (2) tops, and (1) tarp/sign for kennel

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the Grant contract.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

526-33100-0000	State Grant #1-Reimbursement	\$ 37,717
526-33100-0001	State Grant #2-Reimbursement	22,708
526-38390-0000	Transfers from Other Funds	42,957
526-33100-0002	State Grant #3-Reimbursement	56,695
526-33100-0003	State Grant #4-Reimbursement	16,015

526-33100-0004	State Grant #5-Reimbursement	385,791
526-33100-0005	State Grant #6-Reimbursement	87,224
526-33100-0006	State Grant #7-Reimbursement	68,092
526-33100-0007	State Grant #8-Reimbursement	56,120
526-33100-0008	State Grant #9-Reimbursement	47,841
526-33100-0009	State Grant #10-Reimbursement	46,638
526-33100-0010	State Grant #11-Reimbursement	49,670

Sec. 4. The following amounts are appropriated for the project:

<u>Grant #1:</u>		
526-60000-7400	Equipment	\$ 51,393
526-60000-6999	Misc.-County Share of Grant	18,859
<u>Grant #2:</u>		
526-50001-1900	Professional Services	21,776
526-60001-6999	Misc.-County Share of Grant	11,354
<u>Grant #3:</u>		
526-60002-1400	Travel	954
526-50002-3390	Equipment Not Capitalized	5,711
526-60002-1600	Maint/Repair Equipment	35,289
526-60002-6999	Misc.-County Share of Grant	14,741
<u>Grant #4:</u>		
526-50003-3390	Equipment Not Capitalized	8,107
526-60003-6999	Misc.-County Share of Grant	7,908
<u>Grant #5:</u>		
526-50004-3300	Departmental Supplies	2,000
526-50004-6003	Jr. Police Academy Prog	17,796
526-50004-3390	Equipment Not Capitalized	36,085
526-60004-7400	Equipment	182,700
526-60004-6997	Misc. –Mebane Share of Grant	26,885
526-60004-6998	Misc. –Graham Share of Grant	53,018
526-60004-6999	Misc. –County Share of Grant	67,307
<u>Grant #6:</u>		
526-60005-6997	Misc. –Graham Share of Grant	12,885
526-60005-6999	Misc. –County Share of Grant	16,357
526-60005-7400	Equipment	57,982
<u>Grant #7:</u>		
526-60006-6999	Misc. –County Share of Grant	15,874
526-50006-3390	Equipment Not Capitalized	16,218
526-50006-4500	Contracted Services	36,000
<u>Grant #8:</u>		
526-60007-6999	Misc. – County Share of Grant	13,726
526-50007-3390	Equipment Not Capitalized	24,179
526-60007-7400	Equipment	18,215
<u>Grant #9:</u>		
526-60008-6999	Misc. – County Share of Grant	12,517
526-50008-3390	Equipment Not Capitalized	5,324

526-50008-6003	Jr. Police Academy Program	30,000
<u>Grant #10:</u>		
526-60009-6999	Misc. – County Share of Grant	10,501
526-50009-3390	Equipment Not Capitalized	36,137
<u>Grant #11:</u>		
526-60010-6999	Misc. – County Share of Grant	10,544
526-50010-3390	Equipment Not Capitalized	39,126

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

**H.** To adopt a Title VI Assurances and Policy Statement and Disadvantaged Business Enterprise Program as required by the Federal Transit Administration.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ward, it was resolved unanimously to approve the foregoing consent agenda.

## **UNFINISHED BUSINESS:**

### **ITEM 2: REZONING – SPRINGWOOD VILLAGE DRIVE – CONTINUED FROM AUGUST 19, 2014, CITY COUNCIL MEETING**

Mayor Wall announced that a public hearing had been continued to consider rezoning from CR-Conditional Residential District and CB-Conditional Business District to CR-Conditional Residential District for the use of a 144 unit Apartment Complex. The properties are located at the intersections of Springwood Church Road, Springwood Village Drive and Whitsett Park Road as shown on Guilford County Tax parcels 103312, 103313 and a portion of Guilford County Tax parcel 103247. (Continued from August 19, 2014 City Council Meeting.)

Planning and Economic Development Director Amy Nelson stated that Staff and the Planning and Zoning Commission found the proposal for rezoning to be consistent with land uses in the area and recommend approval.

Mr. Kevin Sasser, representing Springwood Partners, asked that a rezoning for the use of 144 apartments be approved. He stated that based on public concerns it had been agreed to plant a landscape buffer between the apartment site and the townhome site and to include a police sub-station for the City. He stated that Engineer Vince Townsend was present to address the traffic concerns which had been requested by the public.

Mr. Vince Townsend stated that it was asked why a traffic study was not conducted. Mr. Townsend stated that the proposed use was a less intense use and generated less traffic and that TRC did not see a need for a study. He stated that the area was being changed to apartments and that all the traffic would exit onto the main street. Mr. Townsend stated that the current plan did not require storm water quality controls but by going through the rezoning process it would be subjected to the new regulations which would require storm water treatment. He stated that the proposed plan included a wet retention pond to treat the storm water and release a cleaner storm water discharge into the environment.

Debra Green, 1505 Daisy Park Drive, Whitsett, NC spoke in opposition of the rezoning due to decrease in property value. Ms. Green also spoke in opposition of a police substation. She presented a petition consisting of 500 signatures.

Vickie Axsom, 1435 Daisy Park Drive, Whitsett, NC, spoke in opposition of the rezoning and questioned if crime statistics were available as requested at the last Council meeting. She also voiced a concern of tractor trailers being parked in the development and had sent six different emails to Asst. Chief Eric Kerns.

Vita Floyd, 7313 Daffodil Lane, Whitsett, NC, spoke in opposition of the rezoning.

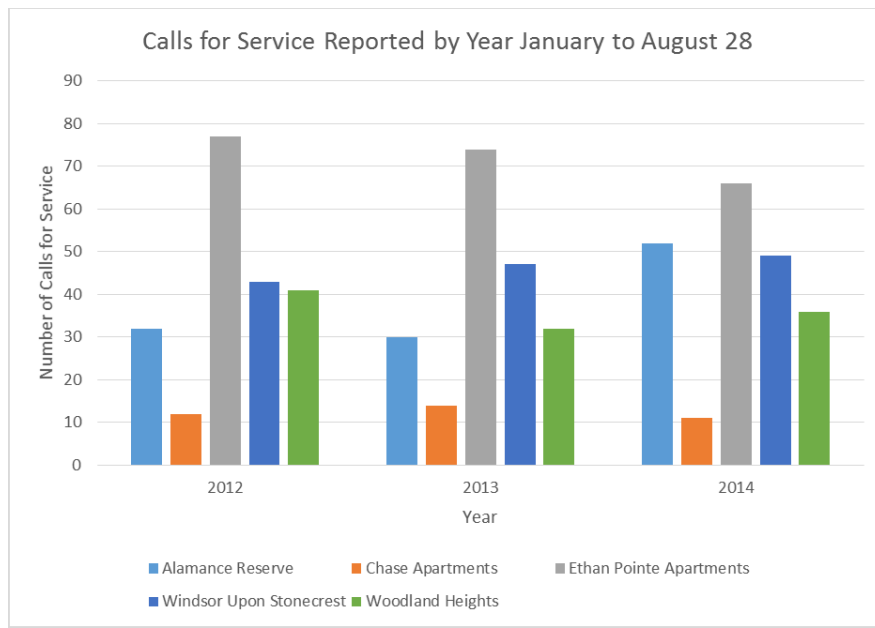
Stephen Way, 7731 Olive Park Drive, Whitsett, spoke in opposition of the rezoning.

Burlington Police Chief Jeffrey Smythe shared information requested by Ms. Axsom. He stated that the call history and number of reported criminal incidents were compiled for the following Apartment Complexes:

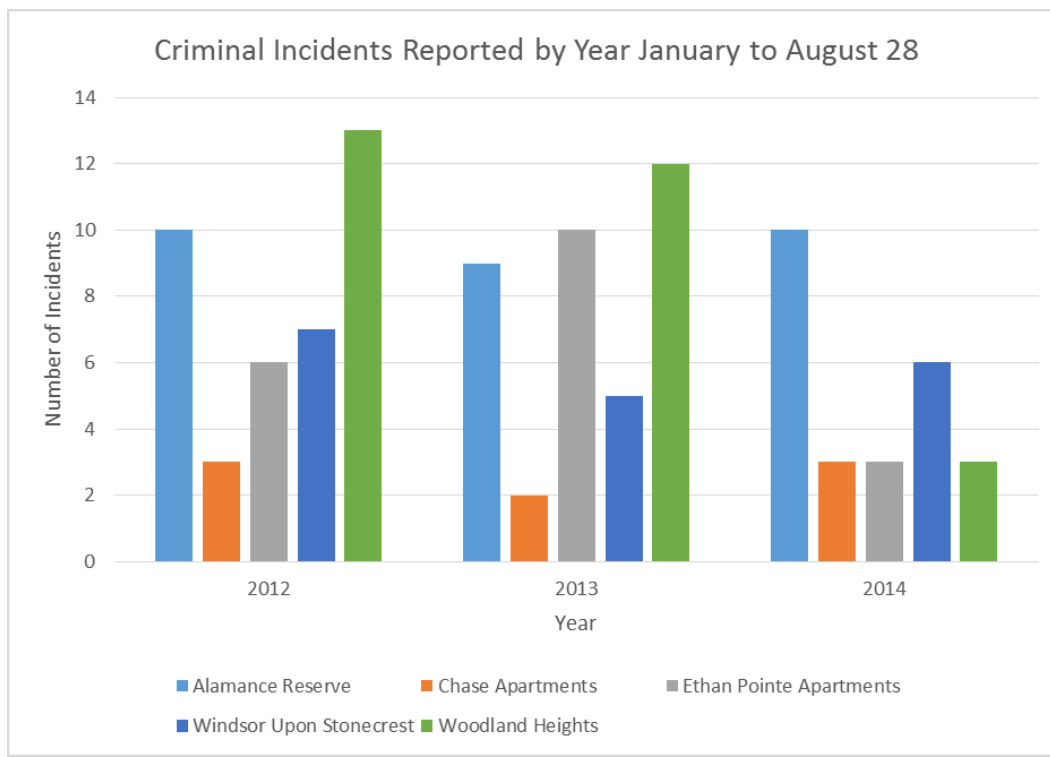
**Alamance Reserve** at 1720 Old St. Marks Church Road,  
**The Chase Apartment Homes** at 3508 Garden Road,  
**Ethan Pointe** at 2978 Ethan Pointe Drive,  
**Windsor Upon Stonecrest Apartments** at 4229 Stonecrest Drive, and  
**Woodland Heights** of Burlington at 1034 Finwood Drive.

A comparison was done for each apartment complex over the same time period (January 1 to August 28th) of each year. In looking at the data there was not a large disparity between the five apartment complexes (*Figures 1 and 2*). In trying to get the best comparison between the apartment complexes a per capita rate of calls and incidents per 25 apartments was used, again there was not a large disparity between the calls and incidents per apartment complex (*Figures 3 and 4*)

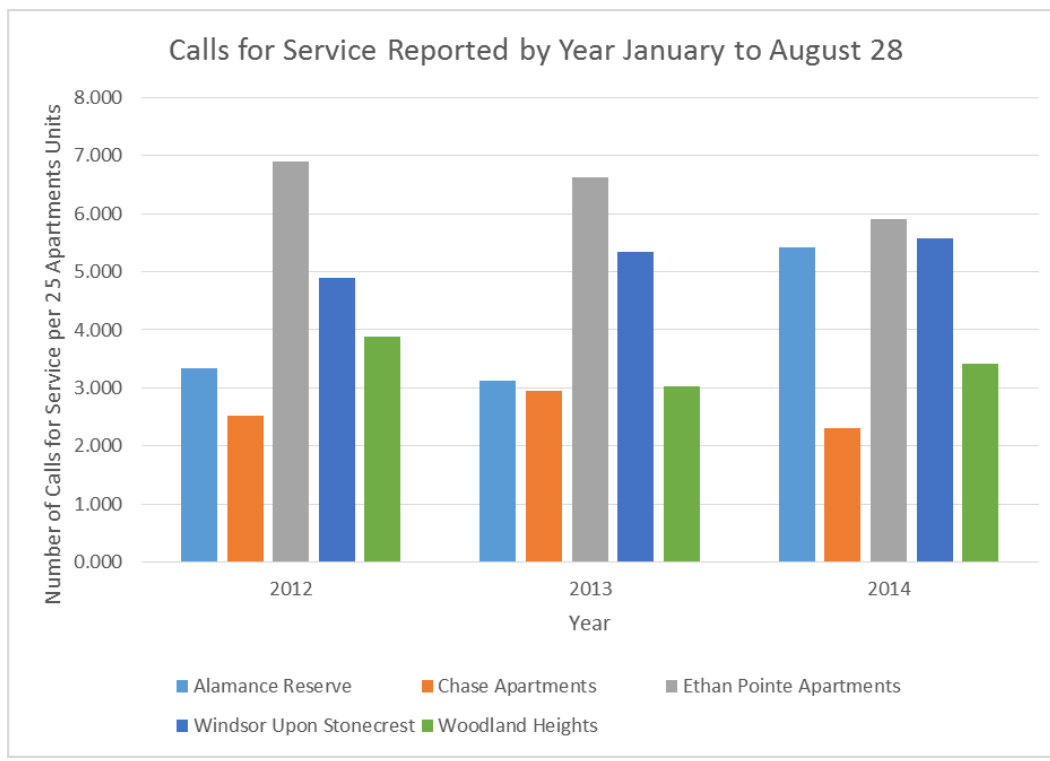




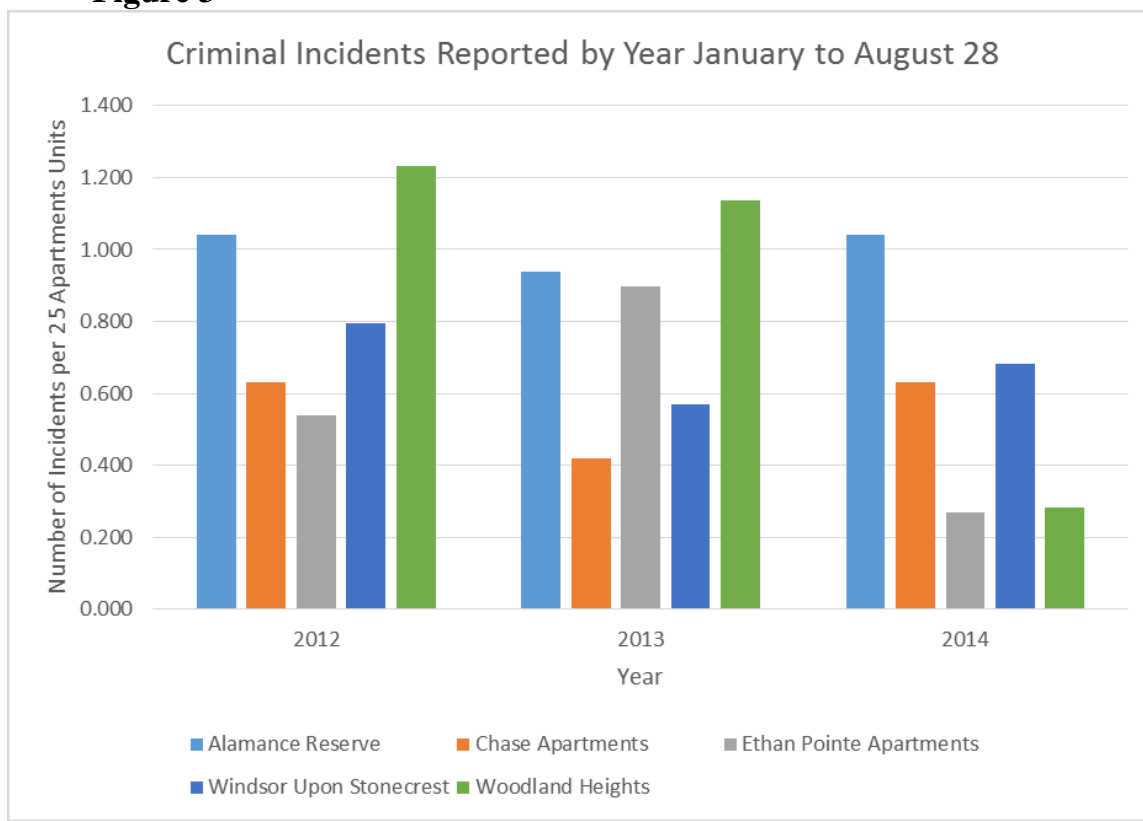
**Figure 1**



**Figure 2**



**Figure 3**



**Figure 4**

Chief Smythe stated that the idea that people who live in apartments commit more crimes than people who live in single family dwellings was baseless and he did not know of any particular data that demonstrated that by living in an apartment one would be more likely to be a

criminal and therefore have criminal activity in a nearby neighborhood. He stated he did not know of any data that would suggest that.

Mayor Pro Tem Huffman asked about the concern of 18-wheel trucks parking in the neighborhood.

Chief Smythe stated that as recently as last night, police were notified of a particular vehicle and went out and wrote a citation and also made contact with the owner. He stated the owner did not understand he could not park there. The other vehicle owner had been contacted and made aware of parking regulations. He stated they would continue to rely on the neighbors to call make police aware and that officers would come out and take action.

Ms. Green requested crime stats for her neighborhood.

Chief Smythe said he could get those stats and suggested a neighborhood watch group be organized.

Chief Smythe stated that he would like to decline the offer for a substation. He stated that a beat officer was stationed at ARMC, police had access to all Fire Stations in the City and one not far from this neighborhood and did not see a reason for a physical location.

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Councilmember Ward stated that there were plenty of apartments.

Councilmember Faucette stated he went out and looked at the location and with the proposed buffers, it was possible that all could live together and wishes there was something that both groups could gain out of this and have a friendly relationship.

Councilmember Butler stated that after reviewing the location and site plans, he said that development would occur at some point. He stated that the fact that it did meet the City's Land Use Plan and the approval from Staff and the Planning and Zoning Commission, had merits. He stated the plan met all the guidelines and was comfortable with the crime statistics.

Mayor Pro Tem Huffman stated that the same issues regarding the value of the properties were real, and were County-wide. He stated that homeownership had changed and the economy was affecting all parties.

Councilmember Butler moved for the adoption of the following ordinance:

**Insert Ordinance #27**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located in the northwest quadrant of the intersection of Springwood Village Drive and Springwood Church Road.)**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from CR-Conditional Residential District and CB-Conditional Business District to CR-Conditional Residential District for the use of a 144 unit Apartment Complex, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

The properties are located at the intersections of Springwood Church Road, Springwood Village Drive and Whitsett Park Road as shown on Guilford County Tax parcels 103312, 103313 and a portion of Guilford County Tax parcel 103247.

Section 2. That the rezoning from CR-Conditional Residential District and CB-Conditional Business District to CR-Conditional Residential District for the use of a 144 unit Apartment Complex is hereby authorized subject to the following Use and Development Conditions:

**Use Conditions**

1. Apartments with clubhouse/recreation area and garages per site plan.
2. Unit mix shall be 1, 2 and 3 bedroom units, maximum number not to exceed 144 units.
3. One Dwelling unit to be allocated for the use of a Police Substation.

**Development Conditions**

1. Minimum perimeter building setbacks of thirty feet (30') along roadway rights-of-way and perimeter boundary lines.
2. Building separations per site plan.
3. Landscaping buffers shall be installed per site plan, plantings per City of Burlington Landscape Requirements.
4. Existing monument signs to be used for development signage.
5. Additional landscaping to be provided between the apartments and the townhomes.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Faucette and Butler. Ward voted no.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the following consistency statement.

**STATEMENT OF CONSISTENCY**

The City Council finds that the above amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with existing land uses in the vicinity and reflects the changing land use patterns in the area.

**ITEM 3: PART – REQUEST 5307 FUNDS - \$217,000**

Mayor Wall announced that the City Council would consider approving a request from Piedmont Authority for Regional Transportation (PART) in the amount of \$217,000 for Section 5307 funds, for fiscal year 2015 and to forward to the Burlington-Graham MPO for its endorsement. (Continued from September 2, 2014, City Council Meeting)

Director of Development and Technical Services Nolan Kirkman stated that this item was continued from the September 2, 2014, Council Meeting and that at that meeting Councilman Butler indicated additional information regarding PART's request. He stated that since then, City Staff had met with PART Staff along with Councilman Butler and had discussed the request in detail. Mr. Kirkman stated that as a reminder, PART's request for 5307 funds was for FY2015 only and involved an expansion of PART's Express route from Greensboro to Chapel-Hill with stops at Park and Ride locations in the urbanized area. He stated that the following table was a reminder and summary of estimated 5307 funds.

## 5307 Funds Summary (Estimate Only)

<b>FY15</b>	\$ 3,140,628	5307 Funds Available (includes FY13 and FY14 Apportionments)
	\$ 2,480,000	Less 5307 Portion of Transit System Up-front/Initial costs*
	\$ 660,628	Balance
	\$ 217,000	Less PART Current FY15 Request (if approved)
	\$ 443,628	Balance
<b>Future Years</b>	\$ 1,800,000	FY15 Estimated Apportionment (Spring 15 Announcement)
	\$ 1,160,000	Less 5307 Portion of Transit System Annual Operational Costs*
	\$ 640,000	Balance available for other requests (PART, TTA, Orange Co., ACTA, etc.)

\*Up-Front Capital and First Year Operations have been approved by MPO

Mr. Kirkman stated that the recommendation from Staff was to approve the \$217,000 request and to forward to the BGMPO for its approval. He stated that Scott Rhine with PART was present to address any questions.

Councilmember Butler stated that he appreciated the meeting that was organized and that his concern was reflecting back on some of the previous conversations dating back to 2008 with regards to the funding of three park and ride lots. He stated that he was concerned about the financial status and how it would impact the 5307 monies, capital needs moving forward, and how the fixed route would blend in with PART's request. He stated that he was fully comfortable with the plan.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve PART's request in the amount of \$217,000, for fiscal year 2015, and to forward to the Burlington-Graham MPO for its endorsement.

### PUBLIC HEARINGS:

### ITEM 4: CITIZEN COMMENTS – CAPER – COMMUNITY DEVELOPMENT PROGRAM YEAR 2013-14

Mayor Wall announced that a public hearing had been scheduled to consider citizen comments on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Program Year 2013-14.

Community Development Administrator Shawna Tillery stated that as a requirement of CDBG and HOME Programs the CAPER must be submitted annually to HUD. She stated this report was a summary detailing the accomplishments and self-evaluation of all programs. She stated that the public hearing notice was published on September 10, 2014, in the Times-News and the 15-day comment period would end September 22, 2014. Ms. Tillery highlighted some of the accomplishments for the year:



Ms. Tillery stated that eleven homeowner rehabs were completed (4 at 30% or below of median; 2 at 50% or below of median; 6 at 80% or below median). Median income in Burlington is \$51,700.

<b>Funding Source</b>	<b>Expenditures</b>
CDBG	\$57,763
HOME Program	\$406,131
State CTP	\$65,000
<b>Total</b>	<b>\$445,919</b>

#### **Apple Tree Subdivision:**

Working on qualifying.

#### **Construction Training Program:**

Of the 20 enrollees in the program, three individuals did not graduate, two individuals left for early employment, **13 individuals completed the training**. The graduates attended class, constructed utility buildings, and observed and worked on houses through the rehabilitation program, and constructed the picnic shelter at the Eva Barker Park.

Number of trainees who received employment:

- December 2011 three individuals had jobs from the Fall 2011 class
- May 2012 two class participants dropped out and one took early job placement
- Total of 17 graduated the program; 10 in Fall and 7 in Spring. Class started with 20 participants

#### **Mebane St. Sidewalks & crosswalk: \$33,300 cross walk \$140,321.00, on sidewalk**

- Crosswalk: S. Graham Hopedale Rd. and Mebane St
- Sidewalk: Mebane St from James St. to Beaumont St

#### **Recreation Project**

- \$9,398 for shade structure at Fairchild Park

#### **Public Facilities project to low to moderate income population at public facilities:**

- The City expended \$51,821 to complete the structural repairs and parking lot improvement in the emergency shelter operated by Allied Churches.
- The City also expended \$13,040 to install a new roof at the recovery facility operated by Residential Treatment Services.

#### **North Park Library:**

- Expended \$26,237
- Library patrons accessed the computer 894 times, improving their computer skills and gaining information. The library presented 73 children's programs with 1,730 children

attending. The children programs presented increased by 65 attendees. For the program year, the door count at the branch library was 3,612 patrons.

#### **Budget Amendment**

- Expended \$80,928 to install the new generator. Fairchild Park is the only Red Cross certified shelter in the County.
- CDBG Expenditures

<b>Activity</b>	<b>Expenditures</b>
Housing Projects	\$117,803
Public Facilities	\$220,188
Public Services	\$26,237
Relocation	\$3,000
<b>Total</b>	<b>\$367,228</b>

**Table 4. Leveraged Resources  
Program Year 2013**

<b>Funding Source</b>	<b>Available Funds</b>	<b>Expenditures</b>
<b>State:</b>		
CTP	65,000	65,000
<b>Local:</b>		
HOME Match	18,701	18,701
Non-Profit	12,176	12,176
City		
<b>Private:</b>		
Homeowners	1,720	1,720
<b>Total</b>	<b>\$93,986.26</b>	<b>93,986.26</b>

The public hearing was held.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to close the public hearing.

Upon motion by Councilmember Faucette, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the CAPER report and to be submitted to HUD.

#### **ITEM 5: AMENDMENT – ZONING ORDINANCE TEXT – SECTION 32.9**

Mayor Wall announced that a public hearing had been scheduled to consider an amendment to Zoning Ordinance text Section 32.9 Table of Permitted Uses, Offices and Exhibition Buildings.

Planning and Economic Development Director Amy Nelson stated that this request for an amendment to the Zoning Ordinance was submitted by Staff. She stated that Staff realized that there was no place to locate an arts and crafts studio, should one come to the City. She stated that it was currently considered as a common low intensity use allowed in most communities and had a unanimous recommendation from the Planning and Zoning Planning Commission.

The public hearing was held.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ward, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

**Ordinance #14-28**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That Section 32.9 of the Burlington Zoning Ordinance be amended as follows:

**Amend Section 32.9 as follows:**

**From:**

Offices, including but not limited to accountants, attorneys, architects, engineers

**To:**

Offices, including but not limited to accountants, attorneys, architects, engineers, **artisan studios**

**Amend Section 32.9 as follows:**

Under the classification of Exhibition Buildings

Place an "X" in the O&I, RO&I and B-1 District Columns

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Ward, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Faucette, Ward and Butler.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to approve the following Consistency Statement:

**STATEMENT OF CONSISTENCY**

The City Council finds that the zoning text amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with current land use practices.

**ITEM 6: REZONING – LACY STREET**

Mayor Wall announced that a public hearing had been scheduled to consider a rezoning from R-9, Residential District, to O&I, Office and Institutional District. The property is located at 2205 Lacy Street as shown as Alamance County tax map 12-15 lot 96.

Planning and Economic Development Director Amy Nelson stated that this area was transitioning from residential to more intensive uses, primarily office and institutional. She stated that in 2005 a Corridor Study was conducted where Staff recommended rezoning the area to O&I proactively. She stated that O&I was a good and traditional buffer between residential and commercial uses. She stated that currently this property was residential with no plans to change it at this time. Ms. Nelson stated this request received recommendation from Staff and unanimous recommendation from Planning and Zoning.

Ms. Sharpe stated that she was requesting this property to be rezoned to O&I along with residential.

Public hearing was held.

Upon motion by Councilmember Butler, seconded by Councilmember Ward, it was resolved unanimously to close the public hearing.

Councilmember Faucette moved for the adoption of the following ordinance:

**Ordinance #14-29**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property located at 2205 Lacy Street)**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from R-9, Residential District, to O&I, Office and Institutional District. The property is located at 2205 Lacy Street as shown on Alamance County tax map 12-15 lot 96.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Mayor Pro Tem Huffman, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Faucette, Ward and Butler.

Upon motion by Councilmember Faucette, seconded by Councilmember Faucette, it was resolved unanimously to approve the following Consistency Statement:

**STATEMENT OF CONSISTENCY**

The City Council finds that the above amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with existing land uses in the vicinity and reflects the changing land use patterns in the area.

**ITEM 7: REZONING – BELMONT STREET**

Mayor Wall announced that a public hearing had been scheduled to consider a rezoning from B-2 General Business District and I-2 Light Industrial District, to CB-Conditional Business District for the use of Motor Vehicle Towing and Storage, Offices and Retail Sales. The property is located at 1203 Belmont Street as shown on Alamance County tax map 41-167 lots 109, 110, 126 and 127.

Planning and Economic Development Director Amy Nelson stated that this rezoning was in an area that was dominated by business and industrial uses. She stated the applicant was

requesting to add more screening for vehicles that would be stored for the Burlington Police Department. She stated that is was a necessary step in order to participate in the Wrecker Rotation program. She stated this request had the recommendation of Staff and the Planning and Zoning Commission.

Mr. Doug Adams, 1203 Belmont Street, Burlington, stated that the rezoning was to improve the business for employees and for citizens by providing a safer location for vehicles to be stored. He stated the area would be monitored and secured 24-hours a day.

Public hearing was held.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Councilmember Butler moved for the adoption of the following ordinance:

**Ordinance #14-30**

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property at 1203 Belmont Street. For the use of Motor Vehicle Towing and Storage, Offices and Retail Sales)**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezone from B-2 General Business District and I- 2 Light Industrial District, to CB-Conditional Business District for the use of Motor Vehicle Towing and Storage, Offices and Retail Sales, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located at 1203 Belmont Street as shown on Alamance County tax map 41-167 lots 109, 110, 126, & 127.

Section 2. That the rezoning from B-2 General Business District and I-2 Light Industrial District, to CB-Conditional Business District for the use of Motor Vehicle Towing and Storage, Offices and Retail Sales is hereby authorized subject to the following Use and Development Conditions:

**Use Conditions**

1. Motor Vehicle Towing and Storage, Office and Retail.

**Development Conditions**

1. Property as currently being developed with a 6 ft. chain link fence surrounding the property.
2. The maximum number of vehicles in the storage lot will not exceed 50 vehicles at any one time.
3. Storage area will comply with the requirements of section 32.13.U (3) a through e, of the City of Burlington Zoning Ordinance.

**Storage Area:**

- a) **Size:** The minimum size of the fenced storage area shall be 5,000 square feet.
- b) **Security:** A chain link fence. A minimum of six feet in height, shall be provided around all accessible sides of the storage area. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.
- c) **Screening:** All motor vehicles within the storage area shall be concealed from view from a public street and from all adjacent residentially-zoned property or property in residential



use through screening. Examples of acceptable screening shall include: (1) chain link fence with slats (where such slats are two-inch weave with 1 7/8 inch panel; or 1 ½ inch weave with 1 3/8 inch panels; or other slat/weave combinations acceptable to the Inspections Director; (2) mesh fabric designed to partially obscure property from view (70 percent obscurity standard); or (3) any fence material screening meeting or exceeding the 70 percent obscurity standard.

- d) **Surface:** The storage area shall be maintained with an all-weather surface by paving, gravel or as required in the district in which it is located to minimize dust emissions and the buildup of dirt, mud and other debris.
- e) **Lighting:** All lighting shall be shielded so as not to cast direct light upon any adjacent residential property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Ward, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers

voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Faucette, Ward and Butler.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the following Consistency Statement:

#### **STATEMENT OF CONSISTENCY**

The City Council finds that the above amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with existing land uses in the vicinity and reflects the changing land use patterns in the area.

#### **NEW BUSINESS:**

## ITEM 8: SUBMISSION – ASSESSMENT OF FAIR HOUSING – HUD

Mayor Wall announced that the City Council would consider the submission of the Assessment of Fair Housing to the United States Department of Housing and Urban Development.

Community Development Administrator Shawna Tillery stated that Staff had been working with Mullin & Longergan for the past nine months on a regional assessment to fair housing. She stated that the assessment was complete and that Ms. Williams was present to speak on the goals and strategies for Burlington.

Ms. Williams presented the following goals and strategies developed for Burlington:

### Analysis of Impediments & Regional Assessment of Fair Housing

- City required to “affirmatively further fair housing”
  - Prepare Analysis of Impediments (AI) to Fair Housing Choice
    - Demographic trends and housing conditions
    - Housing needs among the protected classes
    - Public policies that impact fair housing choice
    - Barriers to fair housing choice
    - Capacity to address housing discrimination
  - Carry out through Annual Action Plan
  - Report on progress annually in CAPER
- Burlington joined with others in Regional AFH

### Fair Housing Priorities

1. *Expanded public transportation to provide Near-RCAP residents and members of the protected classes with better access to higher opportunity areas and community assets*
2. *More affordable and accessible housing, both rental and sales units, in higher opportunity areas*
3. *More sustainable employment opportunities within or in closer proximity to Near-RCAPs*

## Goals and Strategies

### Goal 1:

*Decrease the disparity in access to higher opportunity areas for lower income households, especially members of the protected classes*

### Strategy:

Establish a public transportation system that links lower income neighborhoods with the community assets found in higher opportunity areas, including jobs

## Goals and Strategies

### Goal 2:

*Expand affordable housing opportunities in higher opportunity areas*

### Strategy 1:

Invest the City's HOME funds to provide incentive for the development of affordable rental housing in higher opportunity areas

### Strategy 2:

Provide market-based density bonuses and other incentivizes to encourage mixed-income residential development

### Strategy 3:

Amend the zoning ordinance to permit single-room occupancy (SRO) or micro-units as an affordable housing option for single persons regardless of income

## Goals and Strategies

### Goal 2:

*Expand affordable housing opportunities in higher opportunity areas (continued)*

### Strategy:

Update the 2000 Comprehensive Plan to incorporate designation of developable parcels along major corridors and near existing/emerging employment centers as appropriate for multi-family housing

### Strategy:

Partner with Graham Housing Authority to reach out to private landlords in higher opportunity areas to accept Section 8 Housing Choice Vouchers

## Goals and Strategies

### Goal 3:

*Expand access to HUD programs*

### Strategy:

Adopt a Language Access Plan to ensure persons with limited English proficiency (LEP) can access the City's HUD programs and services

## Goals and Strategies

### Goal 4:

*Increase awareness of fair housing among all residents*

### Strategy:

Provide education and outreach training through a certified HUD fair housing agency to four groups: CDBG staff / City boards and commissions, City department heads and elected officials, private landlords, and the general public

### Strategy:

Seek out immigrant populations with limited English proficiency for fair housing education opportunities

## Goals and Strategies

### Goal 5:

*Improve the physical environment in lower income neighborhoods*

### Strategy 1:

Target units cited for code violations for inclusion in the City's housing rehabilitation program

### Strategy 2:

Continue the City's housing rehabilitation program to maintain and preserve the affordable housing stock in older neighborhoods

### Strategy 3:

Develop a homebuyer initiative for younger (25-34) age cohorts with homebuyer incentives in lower-cost older neighborhoods within walking distance from downtown

## Goals and Strategies

### Goal 5:

*Improve the physical environment in lower income neighborhoods (continued)*

### Strategy 4:

Provide homeowner/homebuyer/financial counseling for lower income households, minority households, and households with limited English proficiency for the purpose of educating owners and buyers on predatory lending, high-cost lending, and financial management

### Strategy 5:

Give preference to providing CDBG assistance for public facilities and infrastructure in near-RCAP areas

## Next Steps

- Adopt at September 16 Council meeting
- Submit to HUD in October
- Analysis and recommendations will inform the City's Consolidated Plan for 2015-2019
- Report on progress next September in CAPER

Ms. Williams stated the next steps would be to adopt the assessment and submit the plan to HUD near the end of October. She stated that the firm was also working with the City to prepare the five-year consolidated plan and Ms. Tillery would report back a year from now on the progress that was made.

Mayor Pro Tem Huffman stated that it seemed Burlington was right on target.

Ms. Williams stated yes and that the City was doing a lot of good things. She stated voting to approve the transit system was a huge step.

Upon motion by Councilmember Faucette, seconded by Councilmember Ward, it was resolved unanimously to approve the submission of the assessment of Fair Housing to the United States Department of Housing and Urban Development.

#### **ITEM 9: SALE OF BEER AND WINE – ALZHEIMER’S FUNDRAISER – LAKE CAMMACK**

Mayor Wall announced that the City Council would consider a request to sell beer and wine at an Alzheimer’s fundraising event, Hope on the Water, being held at Lake Cammack on October 4, 2014.

Mr. John Black stated that at the last meeting the consensus of Council was to have this vetted through the Recreation and Parks Commission and went before them and met and received a favorable recommendation. He stated that area would be temporarily fenced in for a beer and wine garden. He stated that the Police Department recommended two police officers and contracted with the Police Department and would have two off-duty officers working the event. Mr. Black stated that it was recommended that a professional person serve the alcohol. He stated that the group had contracted with Johnny Bakatasis, using his ABC permit and professional servers to serve the alcohol. He stated that wrists bands would be given to those who could purchase alcohol. He stated that alcohol sales would end at 7:15pm and that insurance requirements had been met.

Mayor Wall asked what the recommendation was from the Recreation Commission.

Recreation Director Tony Laws stated the Commission voted unanimous to recommend this request and were very satisfied that all bases were covered.

City Attorney Charles Bateman stated that a meeting composed of public safety, planning, recreation, legal and administration had discussed Mr. Black’s request. Staff discussed what precedent was being set in terms of due process. He stated that legal protection required treating applicants before and after Mr. Black equally. Mr. Bateman stated that the committee had concerns with control measures and what locations in the future could alcohol sales be allowed. He stated that Recreation staff would conduct a comprehensive study of all City facilities and



make a determination as to which facilities could or could not be considered for beer/wine sales and with which controlled measurers in place. He stated that Staff recommended the request be denied.

Councilmember Butler asked if the Committee would be developing a comprehensive plan and bringing forth a recommendation to Council on all City facilities.

City Attorney Bateman stated that was correct and asked the Council to commission staff to do so.

Councilmember Butler stated that in doing this comprehensive plan, there would need to be a starting off point if alcohol was served at any City facility, how it would be regulated, and the number of police officers paid for by the petitioner was important. He stated that this event could be approved and let the committee study this as a test on what the city needed to do and see if issues arise and move expeditiously with a comprehensive plan so that everyone would know what the rules would be moving forward.

Councilmember Ward stated that he agreed with Councilmember Butler, but he stated that if there was an incident the City would be a named defendant. He stated that he was concerned about the liability and asked if they could have the event without selling beer and wine.

Mr. Black stated that they could have the event without alcohol. He stated that it would be in a controlled, small area as compared to downtown that was pretty much wide open; however, it was similar in comparison. He stated that his committee had set a high standard.

Mayor Wall asked the difference between this location versus downtown.

City Attorney Bateman stated the difference was the location and stated staff had questions and did not have the opportunity to consider which facilities would be a good fit to allow alcohol.

Mayor Wall asked if they would be having this same conversation if the event was being held next door on Davis Street such as United Way held last year?

City Attorney Bateman stated that staff had already had the discussion on policy pertaining to downtown events and had established all perimeters including access and egress to venues. He stated that the policy had more to do with downtown events than any other location.

Mayor Wall asked Mr. Black if there was dialogue to having the event downtown.

Mr. Black stated that the original event was a fundraiser for Lauren Wilborne and while planning this event the lovely location at Lake Cammack was discovered and the committee thought this would be a good place to showcase not only as a venue but as a fundraiser for Alzheimers.

Councilmember Ward stated he appreciated what was being done for the Alzheimer's Association and his professional opinion in no way reflected how he felt personally, but he was concerned for liability and thought a comprehensive policy should be in place. He suggested the event be held without the sale of alcohol.

Police Chief Jeff Smythe stated that Mr. Black had mentioned the number of officers required would be two. Chief Smythe stated that it was staff recommendation of five officers due to the location and response time should there be a problem.

After further discussion a motion was made by Councilmember Faucette, seconded by Councilmember Butler, and it was resolved by a vote of 3-2 to approve the event at Lake Cammack and to allow the sale of beer and wine. Mayor Pro Tem Huffman and Councilmember Ward voted no.

#### **ITEM 10: RESOLUTION – SET DATE OF PUBLIC HEARING – 2474 HOSKINS ROAD**

Mayor Wall announced that the City Council would consider adopting a resolution setting a date of public hearing for October 7, 2014, to consider a contiguous voluntary annexation for property located at 2474 Hoskins Road. A valid petition had been received.

Planner, Daniel Shoffner stated that this request was for a proposed standard voluntary annexation on Hoskins Road and would be serviced by all City services and asked that a public hearing be set for October 7, 2014.

Councilmember Ward moved for the adoption of the following resolution:

#### **RESOLUTION # 14-11**

#### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on October 7th, 2014.

Section 2. The area proposed for annexation is described as follows:

## **Koury Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a point at the terminus of the south right of way line of Hoskins Drive and in the line of the existing corporate limits line; running thence along the existing corporate limits line the following two (2) courses and distances: (1) S17° 52' 27"W 774.50 feet to a point; (2) S19° 46' 47"W 204.60 feet to a point in the existing corporate limits line and corner in Gunn Creek; running thence along the center of Gunn Creek the following two (2) courses and distances: (1) N55° 03' 33"W 229.64 feet to a point; (2) N52° 57' 33"W 8.84 feet to a point and corner with Ernest Anthony Koury, Jr.; running thence along the line of Ernest Anthony Koury, Jr., recorded in Deed Book 449, at Page 399 the following two (2) courses and distances: (1) N18° 00' 27"E 880.30 feet to a point; (2) S86° 25' 33"E 240.50 feet to a point in the existing corporate limits line; thence with the existing corporate limits line S18° 35' 27"W 29.50 feet to the POINT OF BEGINNING and containing 5.061 acres or 222,457 square feet.

The foregoing description was obtained from a map prepared by Wayne B. Perry, Professional Land Surveyor, and recorded in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_, in the office of the Register of Deeds.

Section 3. Notice of the public hearing shall be published in The Times News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of the public hearing.

The foregoing resolution was seconded by Mayor Pro Tem Huffman, and it was passed unanimously.

### **ITEM 11: RESOLUTION – SET DATE OF PUBLIC HEARING – 3728 ALAMANCE ROAD**

Mayor Wall announced that the City Council would consider adopting a resolution setting a date of public hearing for October 7, 2014, to consider a contiguous voluntary annexation for property located at 3728 Alamance Road. A valid petition has been received.

Planner Daniel Shoffner stated that this petition was in conjunction with a request for a sewer tap and would fall in line with the utility and annexation agreement. He stated that this property was contiguous to the existing City limits and the City could provide all City services.

Councilmember Ward moved for the adoption of the following resolution:

### **RESOLUTION #14-12**

### **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on October 7th, 2014.

Section 2. The area proposed for annexation is described as follows:

**Setzer Contiguous Voluntary Annexation**

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a stake in the southwest margin of the intersection of NC Highway 62 and Anthony Road, and running thence from said point of beginning and, along the southern margin of Anthony Road South 57 deg. 55'40" East 337.63 feet to an iron stake in the southern margin of Anthony Drive corner with Lot No. 1 South 46 deg. 25'05" West 331.85 feet to an iron stake, corner with Lot No. 1 in the line of Lot No. 3; thence with Lot No. 3 North 24 deg. 28'00" West 140.48 feet to an iron stake, corner with Lot No. 3; thence with Lot No. 3 North 54 deg. 30'00" West 151.86 feet to an iron stake in the southern margin of NC Highway 62; thence with NC Highway 62 North 41 deg. 01'00" East 70.85 feet to the point and place of BEGINNING, containing 1.88 acres, more or less, and being all of Lot No. 2 as shown in Plat Book 30 at Page 154 less 50 foot portion conveyed to John R. Shepherd by Deed recorded in Book 650 at 945.

Section 3. Notice of the public hearing shall be published in The Times News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of the public hearing.

The foregoing resolution was seconded by Councilmember Butler, and it was passed unanimously.

**ITEM 12: RESOLUTION – SET DATE OF PUBLIC HEARING – 3602 HARRIS STREET**

Mayor Wall announced that the City Council would consider adopting a resolution setting a date of public hearing for October 7, 2014, to consider a non-contiguous voluntary annexation for property located at 3602 Harris Street. A valid petition has been received.

Planner Daniel Shoffner stated that this request was tied to the utility agreement and requested water service. He stated the applicant had requested water service and that sewer service was not available and therefore did not meet statutory requirements for annexation due to the City not being able to provide all City services to the property.

Upon motion by Councilmember Ward, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to not set a date of public hearing at this time.

### **ITEM 13: RESOLUTION – SET DATE OF PUBLIC HEARING – 1213 GORDON STREET**

Mayor Wall announced that the City Council would consider adopting a resolution setting a date of public hearing for October 7, 2014, to consider a non-contiguous voluntary annexation for property located at 1213 Gordon Street. A valid petition has been received.

Planner Daniel Shoffner stated that this request was tied to the utility request. He stated this property did have water and sewer but was located a mile and a half outside the City limits. He stated that staff and the Technical Review Board recommended that this property not be annexed at this time due to not being reasonably service with all City services.

Upon motion by Councilmember Faucette, seconded by Councilmember Ward, it was resolved unanimously to not set a date of public hearing at this time.

### **ITEM 14: ALAMANCE COMMUNITY COLLEGE CONNECTION – FIXED ROUTE TRANSIT SYSTEM**

Mayor announced that the City Council would consider providing a connection to Alamance Community College as part of the City of Burlington's fixed route transit system.

Director of Development and Technical Services Nolan Kirkman stated that this item was discussed at last night's work session. He stated that the section in question was the clouded area on the map which runs from the Burlington City limits to Alamance Community College. Mr. Kirkman stated that an October 8, 2014, deadline was established for Gibsonville, Elon and Mebane to indicate participation in the transit system. He stated that the connection to ACC was an important part of the decision making process, particularly for Mebane.

Mr. Kirkman stated that at last night's work session enrollment numbers at ACC were mentioned as follows:

- Over 3,500 students enrolled from Burlington and Gibsonville zip codes.
- Over 1,000 ACTA trips to ACC campuses in 6 months.
- 85% of Curriculum students from Burlington and Gibsonville in the Fall 2013 semester were day students.  
(Fall 2013, 85% of students were day time)

Mr. Kirkman stated that traveling to ACC increases ridership, diversity, and the overall success of a transit system. He stated that the cost from Burlington City limits to ACC would equal \$72,500.

Mr. Kirkman stated that if possible, a decision tonight as to whether Burlington would provide the connection to ACC would assist others in their decision making process at their first meetings in October.

	<u>Burlington</u>	<u>Mebane</u>	<u>Gibsonville</u>	<u>Elon</u>
<b><u>Burlington Pays</u></b> for service from Burlington city limits to ACC*	419,080	135,820	22,940	42,160
<b><u>Mebane Pays</u></b> for service from Burlington city limits to ACC*	346,580	208,320	22,940	42,160
<b><u>Burlington and Mebane Share Costs</u></b> of service from Burlington city limits to ACC*	382,830	172,070	22,940	42,160

\*Estimated cost of service from Burlington city limits to ACC = \$72,500

Mr. Kirkman stated that Mebane was trying to make a decision and if they knew Burlington was going to ACC that lets them know what they have to pay for service miles and what the cost would be.

Mayor Pro Tem Huffman asked if the route to ACC would be by the interstate.

Mr. Kirkman stated, unless Council decided at some point to stop at the Courthouse or the Park and Ride lot the bus would be going up the interstate to ACC.

Councilmember Ward stated that it was an initial component and that would like to see Burlington include ACC.

Councilmember Butler stated he definitely agreed to include ACC.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the connection to ACC as part of the fixed transit route.



## **ITEM 15: MORATORIUM – NO CRUISING – OCTOBER 4, 2014**

Mayor Wall announced that the City Council would consider a moratorium on the “No Cruising” ordinance Section 36-72 for an event to be held on October 4, 2014, from 6:00 P.M. to 12:00 A.M. on North Main Street from Holt Street to Webb Avenue with a rain date of October 11, 2014.

Ms. Tonya Hudson requested that the no cruising ordinance be lifted on Saturday, October 11, 2014, from 6:00pm to 11:30pm with a rain date of October 11, 2014. She stated that there were several vendors that would be set up. Ms. Hudson stated that there were new regulations that went into effect July 1, 2014. She stated that the application process had been completed along with the insurance requirement. She stated that porta potties and sanitation clean up would be included. She stated that paying the police officers would be a hardship and that she needed more time to raise the funds.

Mayor Wall stated that his fear was that the event would be held and if Ms. Hudson was not able to raise enough funds to pay the officers, how police would get paid.

Ms. Hudson stated that she had been taking up donations and felt the money would be raised for officers but was not sure if she could raise all of it. Ms. Hudson stated that she did not understand why she had to pay for 15 officers this year.

Police Chief Jeffrey Smythe stated that there was an after-action report taken after all events and that there was a laundry list of issues and violations that were observed in previous cruising events. He stated that there were nine officers at the last event and it was problematic due to the dense population of parking and activity going on Main Street that officers on foot could not transverse in a timely matter. He stated that there was a set traffic post and for a six hour long event you could not have one officer standing with no relief for six hours. He stated that there were issues with litter, public consumption, urinating in public, racing, noise complaints and several traffic violations. He stated that people feel like it's a parade and hang out windows and sit on the backs of convertibles. He stated that it was not a parade but a cruising event.

Ms. Hudson asked if she could lessen the amount of hours from 6 to 9:30pm to cut down on costs.

Mayor Wall stated that that would be the best to do in order to save money.

After a lengthy discussion it was decided that the event would be held on October 4, 2104, from 6:00pm to 10:00pm, the officers would begin at 5:30pm and would be paid in advance and a rain date on October 18, 2014.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve a moratorium on the no cruising ordinance and that officers would be paid in advance before the event begins and a rain date of October 18, 2014.

Mayor Wall stated that if this event would continue yearly, Ms. Hudson needed to get this event on the calendar now for next year.

### **PUBLIC COMMENT PERIOD**

There were no public comments.

### **CITY COUNCIL COMMENTS**

Mayor Wall:

- Carousel Festival – Saturday, September 20<sup>th</sup> - 10am – 6pm and Sunday, September 21st 1pm – 6pm
- Pet Adoption Specials – ½ off adoption fees, September 19 and 20, 2014.

Mayor Wall stated that tonight was Mayor Pro Tem Huffman's last meeting as a Councilmember and Mr. Charles Bateman as City Attorney. Mayor Wall announced that a reception would be held on October 7, 2014, at 5:45pm to recognize Mr. Bateman's service as Burlington's City Attorney.

Councilmember Faucette stated that since the Council had a policy in place to fill a vacant Council seat, Council should begin that process.

Mayor Wall instructed City Clerk Renee Ward to advertise October 1, 2014, soliciting applications of interest to fill the vacant Council seat, due by October 17, 2014, at 4:00pm.

### **ADJOURN:**

Upon motion by Mayor Wall, seconded by Councilmember Butler, it was resolved unanimously to adjourn. (9:30 P.M.)

*Renee M. Ward*

Renee M. Ward  
City Clerk

September 16, 2014  
Council Meeting

## MEMORANDUM

To: Harold Owen, City Manager

From: Aaron P. Noble, Jr., Human Resources Director



Date: October 2, 2014

**RE: Job Reclassification Request:  
From - Occupational Health Part-Time Receptionist, Part-Time  
To - Medical Receptionist Full-Time, Level 15**

This reclassification is requested due to the critical need in our occupational health clinic for a full-time receptionist. Currently this is a part-time position with 20 scheduled hours a week, 8 AM to 1 PM. This employee answers the telephone, schedules appointments, does employee billing, and files medical records. Her absence in the afternoon adversely affects the ability of our medical staff to properly attend to patients as they have to cover the receptionist area, answer the telephone, and treat patients almost simultaneously.

This reclassification would also permit us to expand the role of this position to include, in addition to the duties listed above, scheduling procedures with outside medical providers, collecting patient vital signs, and conducting hearing and drug testing. A medical receptionist could perform these advanced functions during peak clinic times as needed. This would increase the efficiency of the nursing staff and provide them more time to spend performing patient assessments and ultimately a higher level of patient care.



**City of Burlington**  
**Additional Personnel/Job Reclassification Request Form**

Complete this form for every position you wish to add or reclassify. You may type directly on this form.  
Position cursor in far left portion of field to type response. Click on appropriate check box to register response.  
**Do not record new or reclassified positions on salary sheets.**

**DEFINITIONS**

**New Position** – One that presently does not exist within the department/division.

**Reclassification** – Minor change in duties or request to change a position from part-time to full-time.

**Restructuring** – Significant change in duties of an existing position. Examples include consolidating responsibilities of two positions into one, major shift in duties requiring employee to possess significantly more knowledge, skill, or ability than originally required for the position, etc.

Department: Human Resources \_

Current Position Title: Office Assistant II Part-Time

Proposed Position Title: Medical Receptionist

Change Requested (check one)   New Position ☐   Reclassification ☒   Restructuring ☐

**Current Position Information:**

Position Title: Office Assistant II Part-Time

Salary Grade: N/A                      Pay Range: \$12.00 hr

Budget Code: 045-60661-0400      Employment Status - Full-Time: ☐

FLSA: Exempt ☐      Nonexempt ☒                      Part-Time: ☒

Current Funding:      Full-Year ☒                      If Part-Time: Annual: ☒      Seasonal: ☐

Half- Year ☐                      No. Hrs. Week: 20

Other (specify)

**Proposed Position Information:**

Position Title: Medical Receptionist

Salary Grade: 15                      Pay Range: \$12.69 hr to \$20.93 hr

Budget Code: 045-60661-0200      Employment Status - Full-Time: ☒

FLSA: Exempt: ☐      Nonexempt: ☒                      Part-Time: ☐

Funding requested for Full-Year ☒                      If Part-Time Annual: ☐      Seasonal: ☐

Half-Year ☐                      No. Hrs. Week:

Other (specify)

**Justification for Request:**

There is a critical need in our occupational health clinic for a full-time receptionist. The employee currently in this position works 20 hours a week answering the telephone, scheduling appointments, billing, and filing medical records. The absence of someone performing these duties after 1 pm restricts the ability of our medical

staff to serve patients in the afternoons as they have to cover the receptionist's area and attempt to treat patients at the same time.

There is also a critical need to expand the role of this position to include scheduling procedures with outside medical providers, collecting patient vital signs, and performing hearing and drug testing.

Having a medical receptionist who could perform these advanced clerical functions during peak clinic times would greatly increase the efficiency of medical staff, allowing them to spend more time performing patient assessments and providing a higher level of patient care.



**City of Burlington**  
**Additional Personnel/Job Reclassification Request Form**

Complete this form for every position you wish to add or reclassify. You may type directly on this form. Position cursor in far left portion of field to type a response. Click on appropriate check box to register response. **Do not record new or reclassified positions on salary sheets.**

**DEFINITIONS**

**New Positions** – One that presently does not exist within the department/division.

**Reclassifications** – Minor change in duties or request to change a position from part-time to full-time.

**Restructuring** – Significant change in duties of an existing position. Examples include consolidating responsibilities of two positions into one, major shift in duties requiring employee to possess significantly more knowledge, skill, or ability than originally required for the position, etc.

Department: Police- Animal Services\_

Current Position Title: Animal Shelter Assistant Supervisor

Proposed Position Title: Animal Shelter Manager

Change Requested (check one)    New Position ☐    Reclassification ☐    Restructuring ☒

**Current Position Information:**

Position Title: Animal Shelter Assistant Supervisor

Salary Grade: 18                      Pay Range: \$31,470.40- \$49,670.40

Budget Code: 010-51522-0200    Employment Status - Full-Time: ☒

FLSA: Exempt ☒    Nonexempt ☐                      Part-Time: ☐

Funding requested for Full-Year ☒                      If Part-Time Annual: ☐    Seasonal: ☐

½ Year ☐                      No. Hrs. Week:

Other (specify)

**Proposed Position Information:**

Position Title: Animal Shelter Manager

Salary Grade: 21                      Pay Range: \$34,382.40- \$56,721.60

Budget Code: 010-51522-0200    Employment Status - Full-Time: ☒

FLSA: Exempt: ☐    Nonexempt: ☒                      Part-Time: ☐

Funding requested for Full-Year ☒                      If Part-Time Annual: ☐    Seasonal: ☐

½ Year ☐                      No. Hrs. Week:

Other (specify)

Justification (attach additional sheet if necessary)

Currently, the Animal Services Operation has a Director, one supervisor and one assistant supervisor. The supervisor is responsible for direct oversight of 15 fulltime and 6 parttime employees. This span of control is unacceptable and must be changed. Additionally, due to the recent Job Classification Study and the position changes approved in the budget, the reclassification of this position is necessary to achieve a more effective staff



reporting structure and management of Animal Services division activities. The end result will be the Director, two equivalent Managers that each has an acceptable span of control over their line level employees. This will result in an improved ratio between supervisors and direct reports therefore enhancing supervisory effectiveness and oversight. Additionally, as the position is presently vacant, the reclassification will assist with attracting better qualified candidates. We do not expect this reclassification to require any additional funding during the budget year. As the position has been vacant during the first quarter of FY2015, the accumulated salary savings will adequately fund the cost of the reclassification. Attached are position descriptions for the Assistant Animal Services Supervisor position and the new position description for the Animal Shelter Manager position.

## **Animal Services Assistant Supervisor**

### **General Statement of Duties**

Performs routine work in enforcing city ordinances related to animal services and the humane treatment of animals, and in educating the public about animal ownership. Also acts as animal services supervisor in his or her absence.

### **Distinguishing Features of the Class**

An employee in this non-sworn class is responsible for enforcement of city ordinances related to the control and treatment of animals. Work includes providing assistance to the supervisor in operating the animal shelter, disease control at the animal shelter, euthanasia, maintenance of animal shelter records, feeding animals, and assisting the public. Also, the employee acts as an informational resource to the public, in providing information about adoption, care, and treatment of animals. This employee works under the immediate supervision of the animal services supervisor, and is evaluated for public relations, upkeep of the animal shelter, and overall effectiveness of the animal services program, through observation, review of records, and feedback from the public.

### **Illustrative Examples of Work**

- Assisting the supervisor in coordinating the activities of the animal shelter; assisting in supervising animal shelter personnel.
- Controlling disease at the animal shelter; cleaning and disinfecting animal shelter.
- Providing animals with food and water; sanitizing food bowls; treating all animals compassionately.
- Euthanizing animals; responding to different animal reactions to the situation.
- Maintaining animal shelter records; recording physical conditions of animals; recording daily headcount.
- Assisting the public with hazardous or dangerous animals; informing the public of animal diseases and animal responsibility; assisting in reclaiming lost animals and adopting animals.
- Answering public complaints of loose animals, barking dogs, animal cruelty, dead animals, and other concerns.

### **Knowledge, Skills, And Abilities**

- Some knowledge of city ordinances relating to animal services.
- Some knowledge of street names and locations in the city.
- Some knowledge of animal capture equipment.
- Some knowledge of all forms of animal euthanasia.
- Some knowledge of firearms.
- Ability to emotionally detach oneself from animals in the shelter.
- Ability to provide shelter and welfare to animals housed in the animal shelter.
- Ability to communicate with citizens in a courteous, firm, and tactful manner.
- Ability to read and understand city ordinances and general statutes that apply to animal services.

#### **Physical Requirements and Working Conditions**

- Physical requirements - work in this class is heavy work, requiring exertion of 100 pounds of force occasionally, and/or up to 20 pounds of force frequently or constantly to move objects. This employee must have the visual acuity prepare and analyze data and figures, and to operate a computer terminal.
- Working conditions - inside and outside environmental conditions; however, some personal risk is involved when working with dangerous animals.

#### **Education and Experience**

- Graduation from high school and some experience (up to four years) in security or law enforcement is desirable.

#### **Special Requirement**

- Valid North Carolina Driver License.
- Qualify with .22 caliber rifle and shotgun per departmental policy.



The City of Burlington invites applications for the position of:

## ANIMAL SHELTER MANAGER

**SALARY:** This position is a level 21 on the City of Burlington's pay scale. The annual salary range is \$34,302-\$56,721. Starting pay for this position may be above the minimum, depending upon qualifications.

**OPENING DATE:** XX,2014

**CLOSING DATE:** Applications for this position must be received no later than **XX, 2014**

**HOW TO APPLY:** Visit [www.burlingtonnc.gov/jobs](http://www.burlingtonnc.gov/jobs) for or contact Human Resources at 336-222-5105

**Description:** Burlington Police Department's Animal Services Division is seeking a skilled, dynamic animal welfare professional to join its progressive management team in the position of Animal Services Supervisor. This position reports to the Animal Services Director and is responsible for the management of the division's programs for sheltering, shelter veterinary care, placement, euthanasia, staff supervision and customer service. The ideal candidate will possess a level of knowledge, skill and experience to successfully lead a team in applying current standards and best practices for animal care in a municipal open-admission sheltering facility.

**Examples of Position Duties:** Supervise daily operation of shelter facilities in accordance with departmental operating guidelines, state law and recognized industry standards for housing, management and care of animals in a shelter. Perform daily facility walk-through to monitor the general health and care of animals; ensure facilities are properly sanitized and maintained; coordinate effectively with veterinary staff and ensure animals receive proper husbandry and medical care; make appropriate and timely placement and euthanasia decisions; supervise euthanasia to ensure proper techniques are used, and staff receive adequate training; manage shelter population to ensure efficient and effective animal flow, disease control and rapid movement through the facility. Oversee and manage recordkeeping in areas of responsibility; prepare reports related to operations, shelter activities, statistics, budget and others. Assist Animal Services Director with hiring, promotion and disciplinary decisions. Select, supervise, train and evaluate assigned staff; plan and coordinate the work of assigned employees and volunteers; Conduct meetings with staff to review policies and procedures, provide training, discuss workplace issues and share ideas to improve customer service, animal care and operations. Regularly inspect facilities and grounds for needed repairs, working with maintenance department and coordination with Animal Services Director as appropriate. Purchase animal care and medical supplies and equipment; maintain vendor records and monitor and manage expenditures appropriately. Assist Animal Services Director with preparation of annual operating budget and make recommendations for annual operational needs. As necessary, assist other management team members with overseeing activities related to Field Services, the city's public low cost spay/neuter clinic and volunteers. Establish, maintain and foster positive and harmonious working relationships with those contacted in the course of work.

**Typical Knowledge, Skills & Abilities:** Knowledge of state and local laws, regulations, codes and ordinances relating to the proper treatment and sheltering of animals; Principles and techniques for properly handling and caring for injured animals; Principles and practices of effective supervision; Pharmaceuticals commonly used in the treatment of animals; The hazards and safety precautions involved in an animal shelter; Current industry standards and best practices for animal shelter operations, housing and humane animal handling; Euthanasia by injection; Principles of budget management in the context of a government agency; Operate modern office equipment including computer equipment and software programs; Proficiency with applications related to performance of the essential functions of the job including Microsoft office products; Record keeping, report preparation, filing methods and records management techniques; Prepare clear and concise reports; Enforce laws, ordinances, and regulations pertaining to animal services.; Recognize normal and abnormal animal behavior.; Handle potentially dangerous animals in a safe manner; Communicate clearly and concisely, both orally and in writing; Exercise good judgment and self-restraint when operating in stressful situations; define problems, collect data, establish facts, and draw valid conclusions; Work on multiple projects and assignments simultaneously; Work independently with minimal supervision. Exercise initiative, ingenuity and good judgment in decision-making and in solving problems, including recognizing problems of a sensitive or political nature; Remain flexible in adapting to changes in priorities, assignments and other interruptions which may impact pre-established timelines and courses of action for completing projects and assignments; Lead by positive example by promoting positive, collaborative and professional working relations among staff; Handle animals which are sick or injured, frightened or dangerous animals who may display unpredictable behavior; Manage the mental and emotional stress that may accompany the euthanasia of animal; Climb, balance, stoop, kneel, crouch and crawl to inspect shelter enclosures.

**Minimum education and experience:** Any combination of education and professional experience equivalent to an Associate's Degree and 3 years of progressively responsible experience in a closely related environment and some professional experience in a leadership role.

**Required License and/ or Certificates:** Valid North Carolina Driver's License and Certification as a Certified Euthanasia Technician (EBI) in the State of North Carolina, or eligible to become certified within the first 6 months of employment.

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

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**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Transportation Federal Grant Application

**DATE:** October 1, 2014

As part of the process for applying for the federal grant to be eligible to receive 5307 monies that will assist with the implementation and operating of the bus transit system, there are certain forms that need to be completed.

Please ask the City Council at its October 7<sup>th</sup> meeting to authorize Ronnie Wall, Mayor, Harold Owen, City Manager, David Huffman, City Attorney, and Peggy Reece Director of Finance & Risk Management to execute the necessary documents in order to complete the process to be eligible to receive the federal grant monies and to complete the necessary documentation to actually draw down monies from the approved grants.

cc: David Huffman, City Attorney  
Mike Nunn, Burlington Graham MPO  
Nolan Kirkman, Director of Development & Technical Svcs.  
Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk



# CITY OF BURLINGTON

P.O. Box 1358 ~ Burlington ~ North Carolina 27216~1358

FINANCE DEPARTMENT

Phone (336) 222-5060

## DESIGNATION OF SIGNATURE AUTHORITY

### DESIGNATION OF SIGNATURE AUTHORITY for the TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS (TEAM)

The CITY OF BURLINGTON hereby authorizes Peggy Reece, Director of Finance and Risk Management, and Wendy Swank, Treasury/Accounting Manager, and David R. Huffman, City Attorney, to be assigned and use of a Personal Identification Numbers (PIN), for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the officials below, for the FTA's Transportation Electronic Award and Management System (TEAM).

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( Signature )

Ronnie K. Wall, Mayor City of Burlington

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( Signature ) David R. Huffman, Attorney City of Burlington





# CITY OF BURLINGTON

P.O. Box 1358 ~ Burlington ~ North Carolina 27216~1358

FINANCE DEPARTMENT

Phone (336) 222-5060

## ECHO-Web AUTHORIZATION and CERTIFICATION

\_\_\_\_\_  
Peggy Reece / (Signature of Authorizing Official)

This is to certify that the above is the signature of:

Peggy Reece    Director of Finance and Risk Management  
(Type Name)    (Title)

CITY OF BURLINGTON, NORTH CAROLINA    To Be Determined  
(Name of Recipient Organization)    (ECHO Control Number)

Who is duly authorized to approve payment requests submitted to the Federal Transit Administration on the behalf of the CITY OF BURLINGTON, NORTH CAROLINA.

In addition, Peggy Reece is authorized to receive  
an ECHO User-ID for **View only access** (*performs inquiries only*).

In addition, David R. Huffman is authorized to receive  
an ECHO User-ID for **View only access** (*performs inquiries only*).

In addition, Wendy Swank is authorized to receive  
an ECHO User-ID for **Update access** (*performs draw-downs*).

In addition, Brad Bullis is authorized to receive  
an ECHO User-ID for **Update access** (*backs up primary draw-down person*).

(Signature of Recipient Organization Official)

\_\_\_\_\_  
Ronnie K. Wall

\_\_\_\_\_  
Mayor



# CITY OF BURLINGTON

"Connecting the Triad & the Triangle"

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Nolan P. Kirkman, PE  
Director of Development & Technical Services

September 30, 2014

## MEMORANDUM

TO: Harold T. Owen  
City Manager

FROM: Nolan P. Kirkman, PE  
Director of Public Works

SUBJECT: City Council Consent Agenda – October 7, 2014  
Race Street Water Tower  
Notice of Intent to Amend Communication Attachment Agreement

Alltel Communications, LLC D/B/A Verizon Wireless has requested to extend an existing water tower lease at the above named facility. The authorization for lease of real property requires the approval of a Notice of Intent and then the actual adoption of a resolution at a subsequent Council meeting after a 10 day advertisement.

The City Council is requested to approve the Notice of Intent to adopt a resolution authorizing the extension of the lease of city-owned surplus real property to Alltel Communications, LLC D/B/A Verizon Wireless at the Tuesday, October 7, 2014 meeting. Please advise if any additional information is desired.

cc: Charles Bateman  
David Huffman  
Gary Hicks

**NOTICE OF INTENT BY THE CITY OF BURLINGTON TO ADOPT A RESOLUTION  
TO AMEND THE WATER TOWER ATTACHMENT COMMUNICATION SITE AGREEMENT  
WITH ALLTEL COMMUNICATIONS, LLC, D/B/A VERIZON WIRELESS**

Pursuant to North Carolina General Statutes 160A-272, the City of Burlington, NC, intends to adopt a resolution authorizing the extension of the lease of City-owned surplus real property located at 1108 Race Street, known as Race Street Water Tank to Alltel Communications, LLC D/B/A Verizon Wireless for the purpose of providing cellular and wireless internet service and said property proposed to be leased being more particularly described as follows:

**Lease Area**

Beginning at an existing iron pipe on the northern right of way of Race Street, said point being the southwest corner of Burlington Industries, Deed Book 327, Page 145, Alamance County Registry, thence along said right of way South 67°08'41" West, 173.21 feet to an existing iron pipe, thence North 82°06'19" West, 16.88 feet to a point on the eastern right of way of Loy Street; thence along said right of way North 36°51'19" West, 10.00 feet, thence North 05°23'41" East, 204.30 feet to a point on the southern right of way of Southern Railroad, thence along said right of way South 66°01'19" East, 137.00 feet to an existing iron pipe, thence a line with said Burlington Industries South 22°41'19" East, 98.38 feet to the point and place of beginning, being all of City of Burlington, Deed Book 339, Page 207, Alamance County Registry, and containing 0.56 acres, more or less.

Alltel Communications, LLC D/B/A Verizon Wireless has requested that the original Agreement be extended and certain conditions modified.

In accordance with North Carolina General Statute 160A-272, the City of Burlington, upon confirmation by the City Council of the City of Burlington at its meeting on Tuesday October 21, 2014, intends to adopt a resolution authorizing the lease extension of the above-described surplus real property to Alltel Communications, LLC D/B/A Verizon Wireless. Effective on May 16, 2015, the Agreement shall be automatically extended

for one (1) four (4) year term and then one (1) additional five (5) year term.

Alltel Communications, LLC D/B/A Verizon Wireless proposes to use the Leased Property for the purpose of maintaining and operating a communication facility and any and all uses incidental thereto.

Compensation to the City of Burlington shall be a rental fee of \$19,044.00 per year for the four year term.

Further information regarding the property and the proposed lease of said property may be obtained at the City of Burlington Public Works Department, 234 East Summit Avenue, Burlington, North Carolina 27215.

The City of Burlington will provide reasonable accommodations, auxiliary aids and services for any qualified disabled person interested in attending this meeting. To request the above, you may call Mrs. Rachel Kelly at (336) 222-5076 (Voice) or (336) 229-3107 (TDD) no later than seven days prior to the date of the meeting.

Renee M. Ward  
City Clerk  
City of Burlington

Publication Date:

# Memo

To: Beverly Smith  
From: Mary Faucette  
CC: Lisa Wolff, Tony Laws  
Date: September 29, 2014  
Re: Downtown Spooktacular Halloween Parade & Trick or Treating

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## **Request to close/block streets downtown on Friday, October 31, 2014:**

Once again, I would like to request the permission to barricade streets in downtown Burlington for the 2014 Downtown Burlington; *Spooktacular*. This event is a collaborative effort between the BRPD and the merchants of downtown including Labcorp. For the safety of the costume parade participants the following is being put forth for approval.

6 Barricades, 5 at each requested spot on Lexington Avenue

2 BPD patrol cars at a minimum, more if Officer Metters sees the need

2:00pm..... Barricade Lexington Ave @ Davis St & Maple St  
(Location for **parade line-up**)

3:00pm ..... **Parade starts**

- (1) BPD patrol car leads costume parade and (1) BPD patrol car follows costume parade

3:30pm ..... **Parade ends**

3:30pm-5:30pm ..... **Trick-or-Treating** downtown @ the participating locations

Thank you,

Mary Faucette  
Special Events Coordinator

# MEMO

**To:** Beverly Smith  
**From:** Mary Faucette  
**Date:** September 29, 2014  
**Re:** Event, Christmas Parade, Street Closure Request

**Message:**

Burlington Recreation & Parks Department's Special Events request to temporarily close the following streets during this year's Christmas Parade, on Saturday, November 22, 2014:

**Parade Route**

- Starting Point for the Parade will be Lexington Avenue at Front Street
- Front Street to Worth Street and turn left onto Worth Street
- Worth Street to Davis Street and turn left onto Davis Street
- Davis Street to Spring Street and turn right onto Spring Street
- Spring Street to Maple Avenue and turn right onto Maple Avenue
- Maple Avenue to Main Street and turn left onto Main Street

*Parade End Point for Antique Cars and Motorcycles: Main Street near YMCA*

*Parade End Point for all Floats, Participant Rides, Walking units and Bands: Main Street turn left onto Kitchen Street; Kitchen Street will be parade end point for Horses: Main Street turn left onto Summit Avenue; Summit Avenue will be ending point*

**Street Closings and Re-routing**

**The following intersections must be closed at 0800 hours:**

1. Webb Avenue at Lexington Avenue
2. Webb Avenue at Spring Street
3. Broad Street at Davis Street
4. Front Street at Main Street
5. Front Street at Worth Street
6. Front Street at Spring Street (setting barricades up mid-block east of City Park Lot entrance)
7. Main Street at Davis Street

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## MEMORANDUM

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**TO:** Harold Owen, City Manager

**FROM:** Amy Nelson, Director of Planning and Economic Development

**DATE:** September 29, 2014

**SUBJECT:** City Council Agenda – October 7, 2014  
Final Plat Approval – Tayside Townhomes, Mackintosh on the Lake, Phase one, Section two

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At its meeting on September 22, 2014, the Burlington Planning and Zoning Commission considered final plat approval of Tayside Townhomes, Mackintosh on the Lake, Phase one, Section two. The property is located west of Bonnar Bridge Parkway as shown on plans by Alley, Williams, Carman & King, Inc., dated August 15, 2014, and containing seven lots.

Staff recommended approval of the final plat.

The Commission unanimously recommended approval of the final plat.

The Commission found that the plat as presented met all requirements of the subdivision regulations.

Please have this item placed on the City Council agenda for its meeting October 7, 2014.

Action required by the Council is to approve the final plat.

AN/kp



THE FOLLOWING STATEMENT APPLIES TO LOTS 132-149, 157-160 AS RECORDED IN PLAT BOOK 71 PAGE 57; LOTS 1-9 AS RECORDED IN PLAT BOOK 72 PAGE 203; LOTS 20-28 AS RECORDED IN P.B. 76, PG. 33 AS WELL AS LOTS 13-19 AS SHOWN HEREON. VENN TAYSIDE PARTNERS LLC IN RECORDING THIS PLAT OF TAYSIDE TOWNHOMES, PHASE ONE HAS DESIGNATED CERTAIN AREAS OF LAND SHOWN ON SAID PLAT AS "COMMON ELEMENTS" (WHICH CONSISTS OF ALL THE LAND SHOWN EXCEPT NUMBERED LOTS) INTENDED FOR USE OF HOMEOWNERS OF TAYSIDE TOWNHOMES AND FOR MAINTENANCE AND OTHER RELATED ACTIVITIES.

THE "COMMON ELEMENTS" EXPRESSLY ARE NOT DEDICATED HEREBY FOR THE USE BY THE GENERAL PUBLIC, BUT ARE TO BE CONVEYED BY VENN TAYSIDE PARTNERS LLC, TO TAYSIDE AT MACKINTOSH OWNERS' ASSOCIATION, INC. FOR THE USE OF THE HOMEOWNERS IN TAYSIDE TOWNHOMES, AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TAYSIDE TOWNHOMES DATED 11-28-08 AND RECORDED IN BOOK 2492, PAGE 765-772, IN THE ALAMANCE COUNTY REGISTRY, AS AMENDED FOR THIS AND FUTURE SECTIONS AND MAPS, SAID DECLARATION BEING HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

VENN TAYSIDE PARTNERS LLC, BY REDEVELOPMENT OF THIS PLAT, HEREBY OWNS, GRANTS AND CONVEYS TO SOUTHERN BELL TELEPHONE, DUKE POWER COMPANY, FREDRICK NATURAL GAS COMPANY, TIME WARNER CABLE, ALAMANCE COUNTY AND THE CITY OF BURLINGTON THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, RIGHT-OF-WAY AND EASEMENTS TO RETAIN AND SERVICE THEIR RESPECTIVE WIRES, LINES, CONDUITS AND PIPES IN THEIR PRESENT LOCATIONS WITHIN THE "COMMON ELEMENTS" FOR THE PURPOSE OF MAINTAINING AND SERVICING SAID LINES, WIRES, CONDUITS AND PIPES.

CERTIFICATE OF REVIEW OFFICER  
North Carolina  
County of ALAMANCE  
I, \_\_\_\_\_ Review Officer of Alamance County,  
certify that the map or plat to which this certification is affixed  
meets all statutory requirements for recording.

Date \_\_\_\_\_ Review Officer \_\_\_\_\_

CITY OF BURLINGTON CERTIFICATION  
RECOMMENDED BY THE BURLINGTON PLANNING AND ZONING  
COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_  
CHAIRMAN OF PLANNING AND ZONING COMMISSION \_\_\_\_\_

APPROVED BY THE BURLINGTON CITY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
PROVIDED  
THAT THE PLAT BE RECORDED WITHIN SIXTY (60) DAYS  
OF FINAL APPROVAL.  
CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

LEGEND:  
● EXISTING IRON STAKE  
○ NEW IRON STAKE  
× MATHEMATICAL POINT  
--- WATERLINE EASEMENT  
--- ACCESS EASEMENT  
--- SAN, SEWER EASEMENT  
--- STORM DRAIN EASEMENT

DEED / PLAT REFERENCES  
Deed Book 3203 Page 342  
PB 71 Page 57  
PB 72 Page 203  
PB 72 Page 255  
PB 75 Page 323  
PB 76 Page 73

Site Data  
Property Reference:  
Tax Map 3-23-377  
OP# 0844218223  
TOTAL NUMBER OF LOTS: 7  
TOTAL AREA IN LOTS: 30,447 sq.ft.  
(0.698 ac.)  
Property is Within The City of Burlington's Extraterritorial Jurisdiction

Zoning Reference:  
CDD-8  
ENVIRONMENTAL INFORMATION:  
Property is Not Within A Farm, Regulated Forestry or Thicketland.

General Notes  
1) All distances are horizontal ground distances unless otherwise noted.  
2) This plat is subject to any facts that may be disclosed by a full and accurate title search.  
3) The property shown herein is subject to all easements of record affecting same.  
4) The survey may not show all of the subsurface or other utility lines or any other existing lines for the subject property.  
5) The location and/or existence of utility service lines and underground utilities are or to be the property owner's responsibility and are not shown as a part of this boundary survey.

OWNER'S CERTIFICATION  
I, (WE) HEREBY CERTIFY THAT (I) WE AM (ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH WAS CONVEYED TO ME (US) BY DEED AS RECORDED IN DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ AND THAT I (WE) HEREBY ACKNOWLEDGE THIS PLAT AND ALLOTMENT TO BE MY (OUR) FREE ACT AND DEED AND DO HEREBY DEDICATE TO PUBLIC USE AS STREETS AND EASEMENTS FOREVER, ALL AREAS SHOWN OR INDICATED ON SAID PLAT.

VENN TAYSIDE PARTNERS LLC  
VENN TAYSIDE PARTNERS LLC

NORTH CAROLINA COUNTY \_\_\_\_\_  
I, \_\_\_\_\_ A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND OFFICIAL SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES \_\_\_\_\_

SUBSCRIBER'S CERTIFICATE  
STATE OF NORTH CAROLINA, COUNTY OF ALAMANCE  
I, M. HEATH WILLIAMS, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY MADE BY ME; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: \_\_\_\_\_ FOR THE PERIMETER AND 1: \_\_\_\_\_ FOR THE PLATTING OF INTERIOR LOT LINES; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BOUND LINES PLOTTED FROM DEED INFORMATION FOUND IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-39 AS AMENDED; THAT THE SURVEY WAS REQUESTED BY THE OWNER OR HIS DULY AUTHORIZED AGENT; THAT ALL REQUIRED MONUMENTS AND MARKERS HAVE BEEN INSTALLED; AND THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OF WHOLESALE THAT HAS AN EVIDENCE THAT REGULATES PARCELS OF LAND.  
WITNESS MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.  
PROFESSIONAL LAND SURVEYOR C-4007

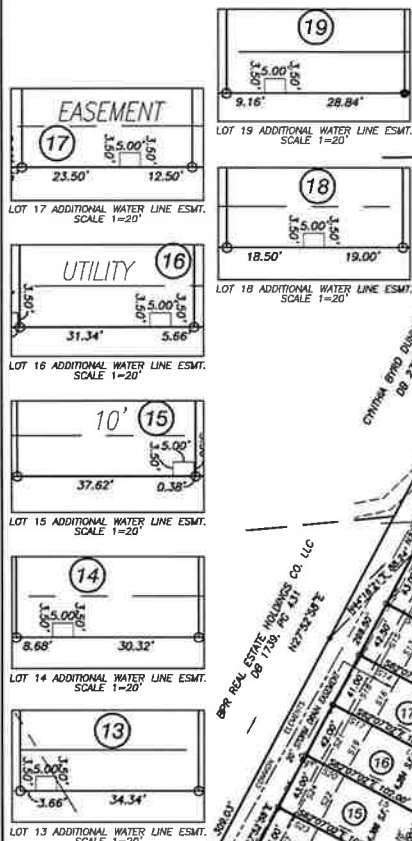


FINAL PLAT  
PHASE 1 SECTION 2  
TAYSIDE TOWNHOMES  
MACKINTOSH on the LAKE

BOONE STATION TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA  
SCALE: 1" = 60'  
DATE: 08/15/2014



awck alley, williams, carmen & king, inc.  
Engineering Architecture Surveying  
740 Chapel Hill Road P.O. Box 1179  
Burlington, N.C. 27216 336/226-5534  
CONTACT SHAWN CLARKE Job # 13142  
PHONE: (336) 290-3778  
Comp. File: 13142 Tayside plat section 2.dwg



LINE	BEARING	DISTANCE	AREA
1	N 89° 59' 51" W	87.30	87.30
2	N 89° 59' 51" W	87.30	87.30
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54	N 89° 59' 51" W	87.30	87.30
55	N 89° 59' 51" W	87.30	87.30
56	N 89° 59' 51" W	87.30	87.30
57	N 89° 59' 51" W	87.30	87.30
58	N 89° 59' 51" W	87.30	87.30
59	N 89° 59' 51" W	87.30	87.30
60	N 89° 59' 51" W	87.30	87.30
61	N 89° 59' 51" W	87.30	87.30
62	N 89° 59' 51" W	87.30	87.30
63	N 89° 59' 51" W	87.30	87.30
64	N 89° 59' 51" W	87.30	87.30
65	N 89° 59' 51" W	87.30	87.30
66	N 89° 59' 51" W	87.30	87.30
67	N 89° 59' 51" W	87.30	87.30
68	N 89° 59' 51" W	87.30	87.30
69	N 89° 59' 51" W	87.30	87.30
70	N 89° 59' 51" W	87.30	87.30
71	N 89° 59' 51" W	87.30	87.30
72	N 89° 59' 51" W	87.30	87.30
73	N 89° 59' 51" W	87.30	87.30
74	N 89° 59' 51" W	87.30	87.30
75	N 89° 59' 51" W	87.30	87.30
76	N 89° 59' 51" W	87.30	87.30
77	N 89° 59' 51" W	87.30	87.30
78	N 89° 59' 51" W	87.30	87.30
79	N 89° 59' 51" W	87.30	87.30
80	N 89° 59' 51" W	87.30	87.30
81	N 89° 59' 51" W	87.30	87.30
82	N 89° 59' 51" W	87.30	87.30
83	N 89° 59' 51" W	87.30	87.30
84	N 89° 59' 51" W	87.30	87.30
85	N 89° 59' 51" W	87.30	87.30
86	N 89° 59' 51" W	87.30	87.30
87	N 89° 59' 51" W	87.30	87.30
88	N 89° 59' 51" W	87.30	87.30
89	N 89° 59' 51" W	87.30	87.30
90	N 89° 59' 51" W	87.30	87.30
91	N 89° 59' 51" W	87.30	87.30
92	N 89° 59' 51" W	87.30	87.30
93	N 89° 59' 51" W	87.30	87.30
94	N 89° 59' 51" W	87.30	87.30
95	N 89° 59' 51" W	87.30	87.30
96	N 89° 59' 51" W	87.30	87.30
97	N 89° 59' 51" W	87.30	87.30
98	N 89° 59' 51" W	87.30	87.30
99	N 89° 59' 51" W	87.30	87.30
100	N 89° 59' 51" W	87.30	87.30

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## MEMORANDUM

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**TO:** Harold Owen, City Manager

**FROM:** Amy Nelson, Director of Planning and Economic Development

**DATE:** September 29, 2014

**SUBJECT:** City Council Agenda – October 7, 2014  
Final Plat Approval – MacArthur Landing Villas, Phase Three

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At its meeting on September 22, 2014, the Burlington Planning and Zoning Commission considered final plat approval of MacArthur Landing Villas, Phase Three. The property is located west of MacArthur Lane as shown on plans by Alley, Williams, Carman & King, Inc., dated August 28, 2014, and containing 23 lots.

Staff recommended approval of the final plat.

The Commission unanimously recommended approval of the final plat.

The Commission found that the plat as presented met all requirements of the subdivision regulations.

Please have this item placed on the City Council agenda for its meeting October 7, 2014.

Action required by the Council is to approve the final plat.

AN/kp

CERTIFICATE OF REVIEW OFFICER  
North Carolina  
County of Alamance

I, \_\_\_\_\_, Review Officer of Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

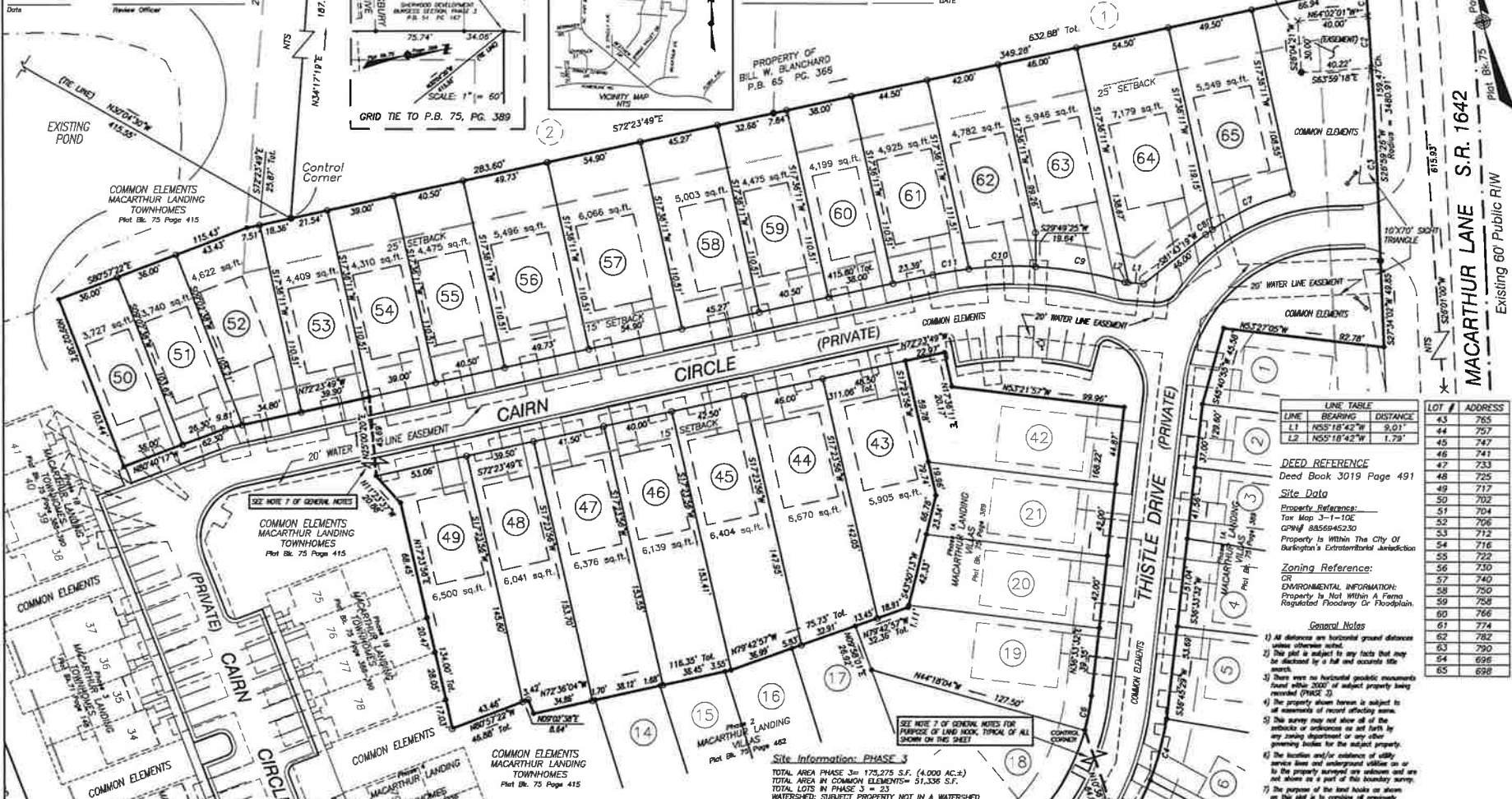
Date \_\_\_\_\_ Review Officer \_\_\_\_\_



CITY OF BURLINGTON CERTIFICATION  
RECOMMENDED BY THE BURLINGTON PLANNING AND ZONING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
CHAIRMAN OF PLANNING AND ZONING COMMISSION \_\_\_\_\_  
DATE \_\_\_\_\_

APPROVED BY THE BURLINGTON CITY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
THAT THE PLAT BE RECORDED WITHIN SIXTY (60) DAYS OF FINAL APPROVAL.  
CITY CLERK \_\_\_\_\_

BELLSOUTH  
TELECOMMUNICATIONS  
INC-D0 2322, PG. 682



LINE	BEARING	DISTANCE
L1	N55°18'42"W	9.01'
L2	N55°18'42"W	1.79'

DEED REFERENCE  
Deed Book 3019 Page 491

Site Data  
Property Reference:  
Tax Map 3-1-100-  
CPNW 845645230  
Property is Within The City Of  
Burlington's Extrajurisdictional Jurisdiction

Zoning Reference:  
CR  
ENVIRONMENTAL INFORMATION:  
Property is Not Within A Farm  
Regulated Floodway Or Floodplain.

General Notes  
1) All distances are horizontal ground distances unless otherwise noted.  
2) This plat is subject to any facts that may be discovered by a full and accurate site search.  
3) There were no horizontal geodetic monuments found within 200' of subject property being recorded (PAGE 3).  
4) The property shown herein is subject to all easements of record affecting same.  
5) This survey may not show all of the utilities or easements on and forth by any zoning department or any other governing bodies for the subject property.  
6) The location and/or existence of utility service lines and underground utilities on or to the property surveyed are unknown and are not shown on a part of this boundary survey.  
7) The purpose of the land books or shown on this plat is in compliance of previously recorded "Surveyor's Statement" into one trust/lot.

LOT #	ADDRESS
43	765
44	757
45	747
46	741
47	733
48	725
49	717
50	702
51	704
52	706
53	712
54	716
55	722
56	730
57	740
58	750
59	758
60	766
61	774
62	782
63	790
64	796
65	802

LEGEND:  
● EXISTING IRON STAKE  
○ NEW IRON STAKE  
x MATHEMATICAL POINT  
--- WATERLINE EASEMENT

MACARTHUR PLACE PARTNERS LLC, BY RECORDED THIS PLAT OF MACARTHUR LANDING TOWNHOMES AND VILLAS, PHASE 3A AND 3B, HAS DESIGNATED CERTAIN AREAS OF LAND SHOWN ON SAID PLAT AS "COMMON ELEMENTS" WHICH CONSISTS OF ALL THE LAND SHOWN EXCEPT INDIVIDUAL LOTS INTENDED FOR USE OF HOMEOWNERS OF MACARTHUR LANDING TOWNHOMES AND VILLAS AND FOR MAINTENANCE AND OTHER RELATED ACTIVITIES.

THE "COMMON ELEMENTS" EXPRESSLY ARE NOT DEDICATED HERETOBY FOR THE USE BY THE GENERAL PUBLIC, BUT IS TO BE COMMANDED BY MACARTHUR PLACE PARTNERS LLC, TO MACARTHUR LANDING HOMEOWNERS ASSOCIATION, INC. FOR THE USE OF THE HOMEOWNERS IN MACARTHUR LANDING TOWNHOMES AND VILLAS, AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MACARTHUR LANDING TOWNHOMES (DATED 11-21-08) AND RECORDED IN BOOK \_\_\_\_\_ PAGE 532-536, IN THE ALAMANCE COUNTY REGISTER, AS AMENDED FOR THIS AND FUTURE EDITIONS, AND MAPS, SAID DECLARATION BEING HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

MACARTHUR PLACE PARTNERS LLC, BY RECORDED THIS PLAT, HEREBY GIVES, GRANTS AND CONVEYS TO SOUTHERN BELL TELEPHONE, DUKES POWER COMPANY, PEDESTAL NATURAL GAS COMPANY, THE BURNED CABLE, ALAMANCE COUNTY AND THE CITY OF BURLINGTON THEIR RESPECTIVE SUCCESSORS AND ASSIGNS RIGHT-OF-WAY AND EASEMENTS TO REPAIR AND SERVICE THEIR RESPECTIVE WIRES, LINES, CONDUITS AND PIPES IN THEIR PRESENT LOCATIONS WITHIN THE "COMMON ELEMENTS" FOR THE PURPOSE OF MAINTAINING AND SERVING SAID LINES, WIRES, CONDUITS AND PIPES.

WITNESS MY HAND AND SEAL THIS 28TH DAY OF AUGUST, 2014.

PROFESSIONAL LAND SURVEYOR 1-4607

MY COMMISSION EXPIRES \_\_\_\_\_

NORTH CAROLINA \_\_\_\_\_ COUNTY  
PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT \_\_\_\_\_  
A NOTARY PUBLIC  
DATE \_\_\_\_\_

OWNER'S CERTIFICATION  
I, (WE) HEREBY CERTIFY THAT (I) WE ARE (ARE) THE OWNER(S) OF THE PROPERTY, SHOWN AND DESCRIBED HEREON, WHICH WAS CONVEYED TO ME (US) BY DEED AS RECORDED IN DEED BOOK \_\_\_\_\_ PAGE 532-536, AND THAT I (WE) HEREBY ACKNOWLEDGE THIS PLAT AND ALLOTMENT TO BE MY (OUR) FREE ACT AND DEED AND DO HEREBY DEDICATE TO PUBLIC USE AS STREETS AND EASEMENTS FOREVER, ALL AREAS SHOWN OR INDICATED ON SAID PLAT.

OWNER(S)  
MACARTHUR PLACE PARTNERS LLC  
243 SOUTH WAREHOUSING ST.  
WINSTON SALEM, NC 27101  
CONTACT PERSON: ANDY DREYFUSS (336) 749-1012  
FINAL PLAT - PHASE 3  
MACARTHUR LANDING VILLAS  
BOONE STATION TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA  
SCALE: 1" = 40'  
DATE: 08/28/2014

alloy, williams, carmen & king, inc.  
Engineering Architecture Surveying  
740 Chapel Hill Road P.O. Box 1179  
Burlington, N.C. 27216 336/226-5534  
Job #111111  
Firm License #F-0203

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015- 22 - Fire - NC Dept. of Insurance

**DATE:** September 24, 2014

Attached is a memorandum from Chief Jay Smith, Fire, requesting a budget amendment to recognize the Child Passenger Grant from the North Carolina Department of Insurance. The Child Passenger Grant will be used to purchase educational materials for the Child Passenger Safety Seat Program. This grant does not require a City match.

Please ask the City Council to amend the 2014-2015 Budget at its October 7<sup>th</sup> meeting as follows:

### BA2015-22

#### Increase Revenues:

010-33107-5310	Fire Grants	\$ 400
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#### Increase Expenditures:

010-53534-3300	Departmental Supplies	\$ 400
----------------	-----------------------	--------

Attachment

cc: Nim Harris, Captain/Fire and Life Safety Educator  
Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Jay Smith, Fire Chief  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk

# ***BURLINGTON FIRE DEPARTMENT***

215 South Church Street  
Burlington, North Carolina 27215  
[www.burlingtonnc.gov](http://www.burlingtonnc.gov)  
P (336) 229-3564F (336) 229-3547

Harold Owen  
*City Manager*

Jay A Smith  
*Fire Chief*

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## **MEMO**

To: Harold Owen, City Manager  
Peggy Reece, Director of Finance and Risk Management

From: Jay A. Smith, Fire Chief

Subject: Budget Amendment

Date: September 19, 2014

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Enclosed you will find a check, in the amount of \$400.00 from the State of North Carolina Department of Insurance. This check is from a Child Passenger Grant for the Fire Department to purchase child passenger safety seat educational materials. We would like to request that this money be deposited into the Fire Prevention Departmental Supplies account, 010-53534-3300.

JAS/kbc

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager  
**FROM:** Peggy Reece, Director of Finance & Risk Management  
**SUBJECT:** Budget Amendment 2015-23 - Police - Donation  
**DATE:** September 24, 2014

At the June 3, 2014 Council meeting, the City Council approved BA2014-48, which recognized a donation from Mrs. Dixie Smith Stafford. The donation was on behalf of the Police Department's Citizen's Academy. Due to both the timing of the donation, and the City's June 30<sup>th</sup> year end, the funds were not used and were rolled into the restricted fund balance account. This budget amendment is needed in order to move the funds from the restricted fund balance account to appropriated fund balance account.

Please ask the City Council to amend the 2014-2015 Budget at its October 7<sup>th</sup> meeting as follows:

### BA2015-23

#### Increase Revenue:

010-39398-0000 Appropriated Fund Balance	\$ 3,000
--	----------

#### Increase Expense:

010-51517-3300 Departmental Supplies	\$ 3,000
--------------------------------------	----------

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Chad Slaughter, Police Captain  
Jeffrey Smythe, Chief of Police  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager  
**FROM:** Peggy Reece, Director of Finance & Risk Management  
**SUBJECT:** Budget Amendment 2015- 24 - Fire - Donation  
**DATE:** September 29, 2014

Attached is a copy of a memorandum from Chief Jay Smith, Fire, outlining the donation of \$250 received recently from the Kiwanis Club of Burlington through Safe Kids Alamance. The donation is to assist in the purchasing of fire prevention educational materials. Per their request, the Fire Department would like this money to be deposited into their Fire Prevention departmental supplies account.

Please ask the City Council to amend the 2014-2015 Budget at its October 7<sup>th</sup> meeting as follows:

### BA2015-24

#### Increase Revenues:

010-33303-5340 Contributions - Fire	\$ 250
-------------------------------------	--------

#### Increase Expenditures:

010-53534-3300 Departmental Supplies	\$ 250
--------------------------------------	--------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Jay Smith, Fire Chief  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk



# ***BURLINGTON FIRE DEPARTMENT***

215 South Church Street  
Burlington, North Carolina 27215  
[www.burlingtonnc.gov](http://www.burlingtonnc.gov)  
P (336) 229-3564F (336) 229-3547

Harold Owen  
*City Manager*

Jay A Smith  
*Fire Chief*

---

## **MEMO**

To: Harold Owen, City Manager  
Peggy Reece, Director of Finance and Risk Management

From: Jay A. Smith, Fire Chief

Subject: Budget Amendment

Date: September 26, 2014

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Enclosed you will find a check, in the amount of \$250.00 from the Kiwanis Club of Burlington, NC to the Burlington Fire Department through Safe Kids Alamance. This check is a donation and will be used to purchase fire prevention educational materials. We would like to request that this money be deposited into the Fire Prevention Departmental Supplies account, 010-53534-3300.

JAS/kbc

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015-26 - Haw River Interceptor Phase I

**DATE:** October 1, 2014

Attached is a copy of a memorandum from Bob Patterson, PE, Water Resources Director, requesting a budget amendment for a change order in association with Phase I of the Haw River Interceptor.

At the July 15, 2014 Council meeting, the City Council awarded a contract to Park Construction of NC for Phase I of the Haw River Interceptor replacement project. Phase I is for the replacement of 3,500 linear feet of 42" diameter gravity sewer line and approximately 420 feet of 16" diameter sewer line.

A budget amendment is being requested in the amount of \$199,705. The additional funds will allow for Park Construction to replace an old section of pipe that crosses 6 to 7 feet below the foundation of the flood wall and is approximately 70 feet in length.

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting as follows:

### BA2015-26

#### Increase Revenues:

030-39398-0000 Appropriated Fund Balance	\$199,705
--	-----------

#### Increase Expenditures:

030-75705-7500 Construction in Progress	\$199,705
---	-----------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Michael Layne, PE, Water & Sewer Field Operations Manager  
Bob Patterson, PE, Water Resources Director  
Lanny Rhew, PE, City Engineer  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk



## INTEROFFICE MEMO

City of Burlington  
Water Resources Department  
1302 Belmont Street  
Burlington, NC 27215

P: 336.222. 5133

[www.BurlingtonNC.gov/Utilities](http://www.BurlingtonNC.gov/Utilities)

F: 336.570.6175

**Date:** September 30, 2014

**To:** Harold Owen, City Manager

Peggy Reece, Director of Finance & Risk Management

**From:** Robert C. Patterson, Jr., PE, Water Resources Director *RCP*

**RE:** Change Order No. 1 & Budget Amendment Request – Haw River Interceptor Replacement – Phase 1

---

City Council approved award of the construction contract for Phase 1 of the replacement of the Haw River Interceptor to Park Construction in the amount of \$2,861,178.13 at July 15 City Council meeting.

As designed, replacement of the 42" gravity sewer line under Phase 1 began at the first manhole outside of the flood wall at the East Burlington Wastewater Treatment Plant and continued northwest along the river, leaving a segment of the old pipe in place between this manhole and the influent headworks structure of the treatment plant. This segment of pipe is approximately 70 feet long and crosses approximately 6 to 7 feet below the foundation of the flood wall. Water Resources and Engineering Department staff recommend the replacement of this segment in conjunction with the Phase 1 replacement.

Attached is Change Order No. 1 adding the cost of this work (\$199,705.00) and 20 calendar days to the contract with Park Construction. A budget amendment will be needed to fund Change Order No.1.

**I request approval of the budget amendment for \$199,705.00 and consideration of approval of Change Order No. 1 to the contract for the 42-inch Haw River Interceptor Replacement – Phase 1 in the amount of \$199,705.00 be placed on the agenda for the October 7, 2014 City Council Meeting.**

Please let me know if you need additional information.

Copy: Matt Beckwith, PE, Assistant City Engineer  
Brad Bullis, Senior Accountant

CONTRACT: 42-INCH HAW RIVER INTERCEPTOR  
REPLACEMENT – PHASE I

PROJECT: 4277-14

DATE: September 30, 2014

## CHANGE ORDER

CO # 1

PO # 705-0000074

Project # 4277-14

To: Park Construction of NC, Inc.  
PO Box 500  
Morrisville, NC 27560

From: City of Burlington  
425 S. Lexington Avenue  
Burlington, North Carolina 27215

### PROJECT: 42-Inch Haw River Interceptor Replacement – Phase I

You are hereby notified that Owner is issuing **Change Order # 1** for the above referenced contract under the provisions of the General Conditions. This change is subject to all the terms, conditions and provisions of the original contract.

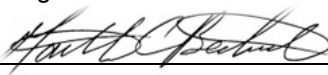
Item #	Description Of Changes (Increases)	Account #	Amount
a.	The replacement of the existing 42-inch CMP sewer under the Flood Wall at the East Burlington Wastewater Treatment Plant by open cut installation.	E 030-75705-7500	\$199,705.00
<b>Contract Amount before modified</b>			<b>\$2,861,178.13</b>
<b>Contract Amount as modified</b>			<b>\$3,060,883.13</b>

**Description of Change:** Description of each increase and associated cost breakdowns are attached, along with all related project communications.

**Contract performance period changes:** 20 calendar days (Increased)

### RECOMMENDATION OF CHANGE ORDER

The change described above is hereby recommended:

By:   
Engineering Department, City of Burlington

Title: Assistant City Engineer

Date: September 30, 2014

### ACCEPTANCE OF CHANGE ORDER (BY CONTRACTOR)

The change described above is accepted and hereby acknowledged:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: Park Construction of North Carolina, Inc.

Date: \_\_\_\_\_

### APPROVAL OF CHANGE ORDER (BY OWNER)

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title: Finance Officer

Title: Mayor

Title: City Engineer

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

City of Burlington, North Carolina

City of Burlington, North Carolina



September 25, 2014

Mr. Matthew C. Beckwith, P.E.  
Assistant City Engineer  
City of Burlington, NC  
425 S. Lexington Ave.  
Burlington, NC 27215

Re: 42-Inch Haw River Interceptor Replacement – Phase 1

Subject: RFP No. 1: Pipe Replacement under Flood Wall

Dear Mr. Beckwith:

We are proposing two (2) methods for the replacement of the existing 42-inch CMP sewer under the Flood Wall at the treatment plant. The first one is for a bore and jack per Revised Sheets 5 and 12; and the second for an open cut.

**~~Option 1: Jack & Bore 54" Steel Casing~~**

~~Materials~~

~~42" HP Lok DIP - \$23,695~~

~~Waterstop, grout, concrete, bulkheads - \$2,439~~

~~#57 stone - \$920~~

~~Bypass Pumping~~

~~System Rental & fuel – \$38,828~~

~~System Monitoring - \$17,684~~

~~Park L/E~~

~~Excavation, tie-ins, installation – \$54,939~~

~~Testing - \$1,087~~

~~Subcontractor~~

~~Young Construction Company bore & jack - \$139,310~~

~~Staking, as-builts - \$1,742~~

**Total - \$280,644**

**~~Contract Time Extension: 30 days~~**

**Option 2: Open Cut Installation**

Materials

42" HP Lok DIP - \$23,695 Tyton Joint DIP w/ P-401

Waterstop, grout, concrete, fabric - \$1,812

#57 stone - \$2,095

Bypass Pumping

System Rental & fuel – \$25,885

System Monitoring - \$11,789

Park L/E

Excavation, tie-ins, installation – \$109,877

Testing - \$1,087

Post Office Box 500 • Morrisville, NC 27560 • Phone (919) 319-8801 • Fax (919) 319-8835



TEAMWORK Together We Achieve The Extraordinary!

Sheeting deliveries - \$1,162    Add PE stamped sheeting design  
Haul-off & dispose of 42" CMP, excess dirt - \$3,485  
Subcontractor  
Staking, as-builts - \$1,742  
Concrete for backfilling under wall – 50 CY x \$270/cy (contract price) = \$13,500  
  
**Total - ~~\$196,129~~    \$199,705**  
**Contract Time Extension: 20 days**

If rock is encountered in the excavation of the bore pit for the Jack & Bore option; or within the excavation in the Open Cut option, it will be measured and billed at \$180/CY. Furthermore, we reserve the right to request additional compensation for bypassing and contract time while the rock is being removed.

Thank you for your consideration of this proposal. Please let us know which option you would like to pursue.

Sincerely,  
Park Construction of NC, Inc.



Eric E. Olsen  
Project Manager/Estimator

cc: Ken Malonson  
Toby Chamberlain  
32567

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## MEMORANDUM

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**TO:** Harold Owen, City Manager

**FROM:** Amy Nelson, Director of Planning and Community Development

**DATE:** September 18, 2014

**CC:** Charles Bateman, City Attorney

**SUBJECT:** City Council Agenda – October 7, 2014 Public Hearing to Consider Approval of the Koury Property Annexation Ordinance

---

Please ask the City Council at its meeting on October 7, 2014 to hold a public hearing and consider approval of the Koury Property Voluntary Annexation. Enclosed you will find a copy of the annexation ordinance which will make the annexation effective October 7, 2014 at 11:59pm. This annexation will be properly advertised as required by State Statute.

Council has discussed the proposed annexation during previous meetings. Please advise if you desire further information regarding this matter.



**NOTICE OF PUBLIC HEARING ON**  
**REQUEST FOR CONTIGUOUS ANNEXATION**

The public will take notice that the City Council of the City of Burlington has called a public hearing at 7:00pm on October 7, 2014 at the Municipal Building on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

**Koury Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a point at the terminus of the south right of way line of Hoskins Drive and in the line of the existing corporate limits line; running thence along the existing corporate limits line the following

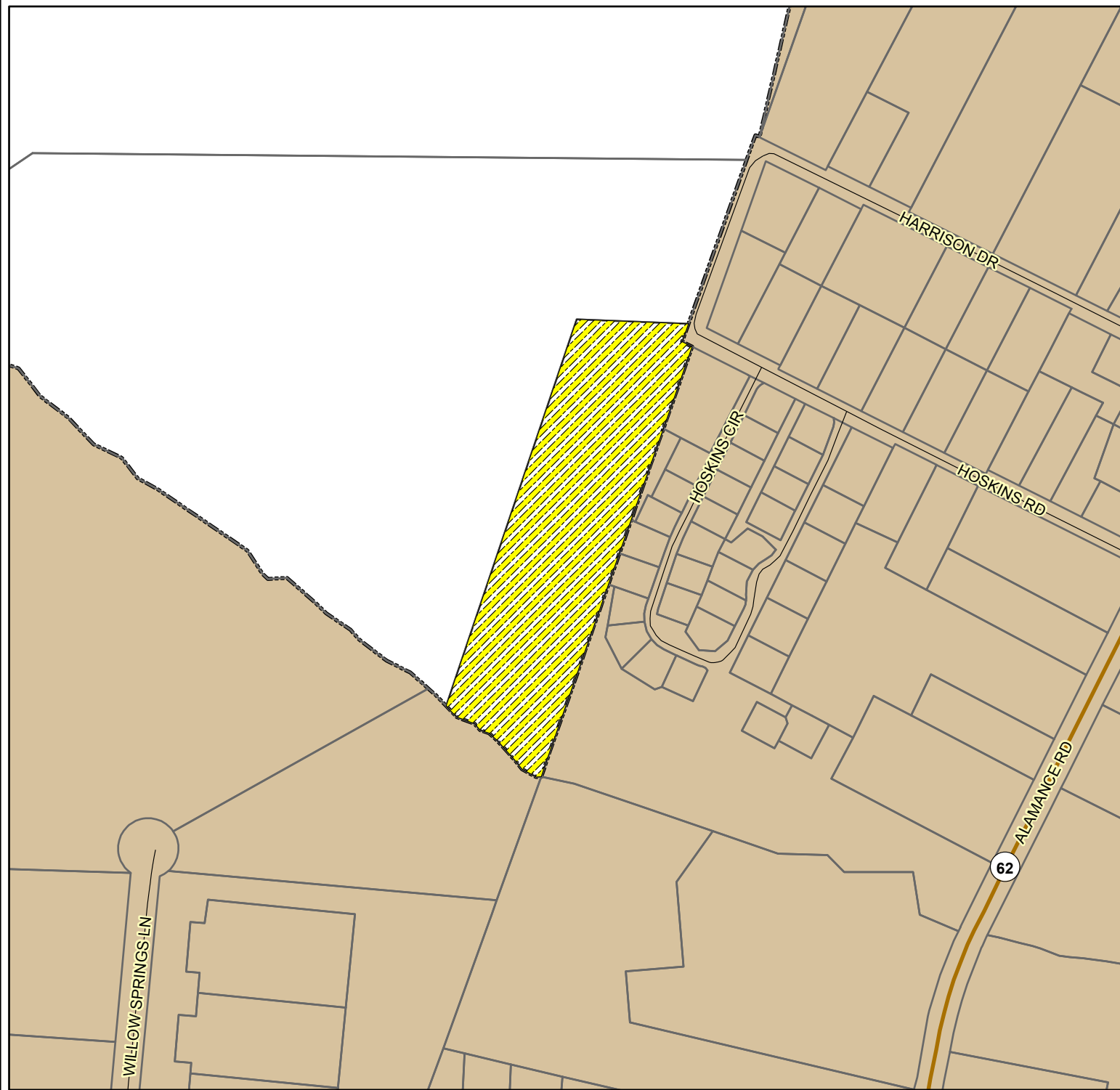
two (2) courses and distances: (1) S17° 52' 27"W 774.50 feet to a point; (2) S19° 46' 47"W 204.60 feet to a point in the existing corporate limits line and corner in Gunn Creek; running thence along the center of Gunn Creek the following two (2) courses and distances: (1) N55° 03' 33"W 229.64 feet to a point; (2) N52° 57' 33"W 8.84 feet to a point and corner with Ernest Anthony Koury, Jr.; running thence along the line of Ernest Anthony Koury, Jr., recorded in Deed Book 449, at Page 399 the following two (2) courses and distances: (1) N18° 00' 27"E 880.30 feet to a point; (2) S86° 25' 33"E 240.50 feet to a point in the existing corporate limits line; thence with the existing corporate limits line S18° 35' 27"W 29.50 feet to the POINT OF BEGINNING and containing 5.061 acres or 222,457 square feet.

The foregoing description was obtained from a map prepared by Wayne B. Perry, Professional Land Surveyor, and recorded in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_, in the office of the Register of Deeds.

The City of Burlington will provide reasonable accommodations, auxiliary aids and services for any qualified disabled person interested in attending the public hearing. To request the above, you may call Ms. Rachel Kelly at (336) 222-5076 (Voice) or (336) 299-3107 (TDD) no later than seven days prior to the date of the public hearing.





















Renee Ward  
City Clerk  
City of Burlington

Please run ad on Thursday, September 26, 2014.



# Proposed Voluntary Annexation

## Legend

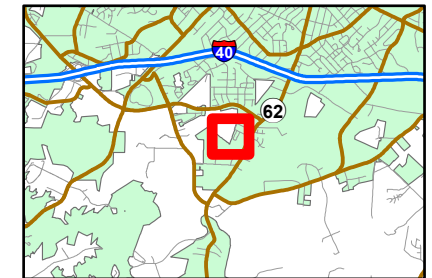
	Proposed Annexation	<b>Municipalities</b>
	Street Centerlines	 ALAMANCE
	Lakes / Ponds	 BURLINGTON
	County Boundary	 ELON
	Tax Parcels	 GIBSONVILLE
<b>Major Roads</b>		 GRAHAM
<b>Class</b>		 GREEN LEVEL
	Interstate	 HAW RIVER
	US Highways	 MEBANE
	State Highways	 OSSIPEE
	Local Major Roads	 SWEPSONVILLE
		 WHITSETT



1 inch = 300 feet

**Disclaimer:**  
This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.

## Area Map:



Prepared By: City of Burlington, GIS Dept.  
September 10, 2014

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF BURLINGTON, NORTH CAROLINA**

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on October 7, 2014, after due notice by the publication on September 26, 2014; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of October 7, 2014 at 11:59pm.

**Koury Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a point at the terminus of the south right of way line of Hoskins Drive and in the line of the existing corporate limits line; running thence along the existing corporate limits line the following

two (2) courses and distances: (1) S17° 52' 27"W 774.50 feet to a point; (2) S19° 46' 47"W 204.60 feet to a point in the existing corporate limits line and corner in Gunn Creek; running thence along the center of Gunn Creek the following two (2) courses and distances: (1) N55° 03' 33"W 229.64 feet to a point; (2) N52° 57' 33"W 8.84 feet to a point and corner with Ernest Anthony Koury, Jr.; running thence along the line of Ernest Anthony Koury, Jr., recorded in Deed Book 449, at Page 399 the following two (2) courses and distances: (1) N18° 00' 27"E 880.30 feet to a point; (2) S86° 25' 33"E 240.50 feet to a point in the existing corporate limits line; thence with the existing corporate limits line S18° 35' 27"W 29.50 feet to the POINT OF BEGINNING and containing 5.061 acres or 222,457 square feet.

The foregoing description was obtained from a map prepared by Wayne B. Perry, Professional Land Surveyor, and recorded in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_, in the office of the Register of Deeds.

Section 2. Upon and after October 7, 2014 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 7th day of October, 2014.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on October 7th, 2014.

Section 2. The area proposed for annexation is described as follows:

**Koury Contiguous Voluntary Annexation**

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a point at the terminus of the south right of way line of Hoskins Drive and in the line of the existing corporate limits line; running thence along the existing corporate limits line the following two (2) courses and distances: (1) S17° 52' 27"W 774.50 feet to a point; (2) S19° 46' 47"W 204.60 feet to a point in the existing corporate limits line and corner in Gunn Creek; running thence along the center of Gunn Creek the following two (2) courses and distances: (1) N55° 03' 33"W 229.64 feet to a point; (2) N52° 57' 33"W 8.84 feet to a point and corner with Ernest Anthony Koury, Jr.; running thence along the line of Ernest Anthony Koury, Jr., recorded in Deed Book 449, at Page 399 the following two (2) courses and distances: (1) N18° 00' 27"E 880.30 feet to a point; (2) S86° 25' 33"E 240.50 feet to a point in the existing corporate limits line; thence with the existing corporate limits line S18° 35' 27"W 29.50 feet to the POINT OF BEGINNING and containing 5.061 acres or 222,457 square feet.

The foregoing description was obtained from a map prepared by Wayne B. Perry, Professional Land Surveyor, and recorded in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_, in the office of the Register of Deeds.

Section 3. Notice of the public hearing shall be published in The Times News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of the public hearing.

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Mayor

ATTEST:

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Clerk

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## MEMORANDUM

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**TO:** Harold Owen, City Manager

**FROM:** Amy Nelson, Director of Planning and Community Development

**DATE:** September 18, 2014

**CC:** Charles Bateman, City Attorney

**SUBJECT:** City Council Agenda – October 7, 2014 Public Hearing to Consider Approval of the Setzer Property Annexation Ordinance

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Please ask the City Council at its meeting on October 7, 2014 to hold a public hearing and consider approval of the Setzer Property Voluntary Annexation. Enclosed you will find a copy of the annexation ordinance which will make the annexation effective October 7, 2014 at 11:59pm. This annexation will be properly advertised as required by State Statute.

Council has discussed the proposed annexation during previous meetings. Please advise if you desire further information regarding this matter.



**NOTICE OF PUBLIC HEARING ON**  
**REQUEST FOR CONTIGUOUS ANNEXATION**

The public will take notice that the City Council of the City of Burlington has called a public hearing at 7:00pm on October 7, 2014 at the Municipal Building on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

**Setzer Contiguous Voluntary Annexation**

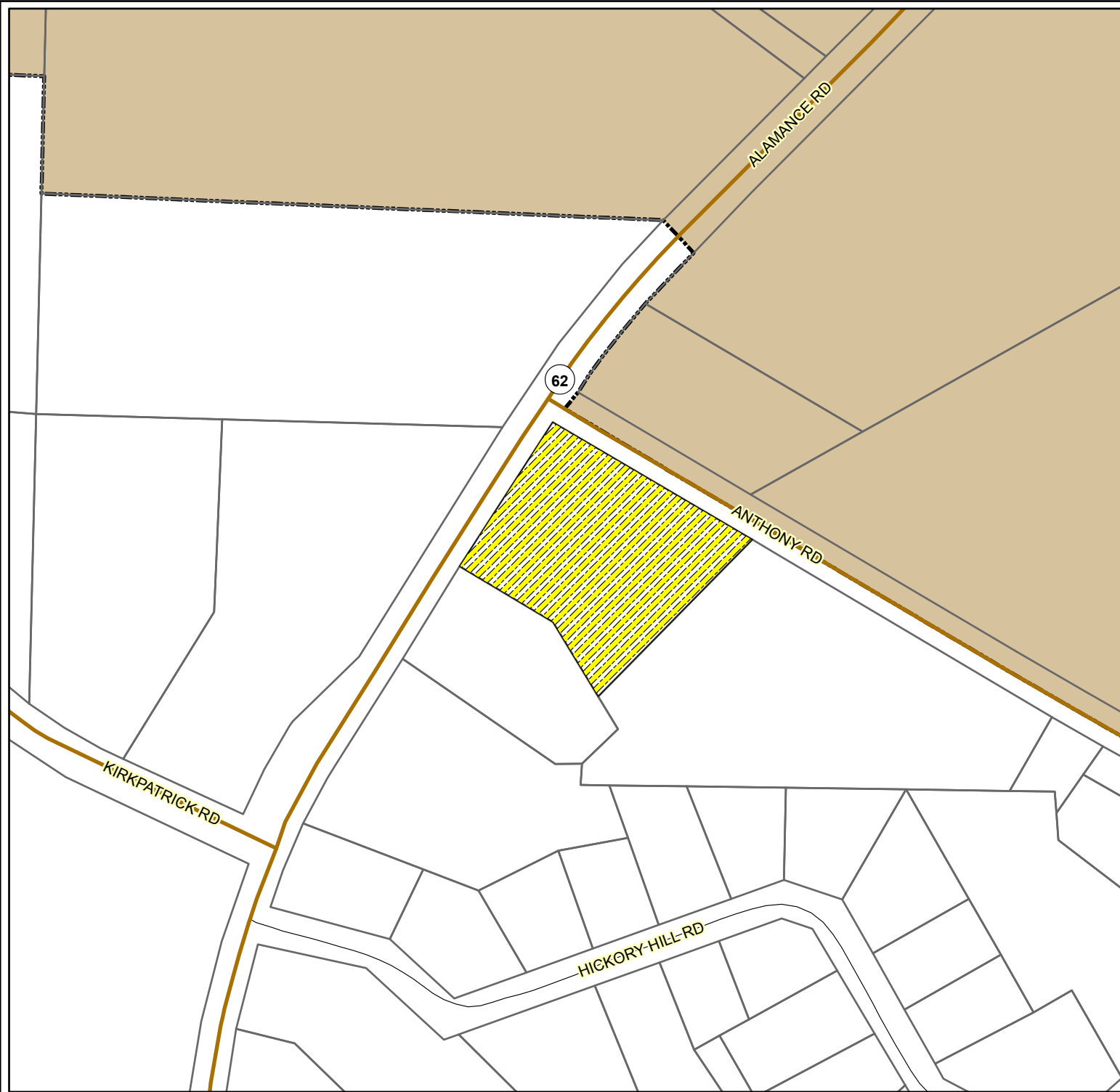
A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a stake in the southwest margin of the intersection of NC Highway 62 and Anthony Road, and running thence from said point of beginning and, along the southern margin of Anthony Road South 57 deg. 55'40" East 337.63 feet to an iron stake in the southern margin of Anthony Drive corner with Lot No. 1 South 46 deg. 25'05" West 331.85 feet to an iron stake, corner with Lot No. 1 in the line of Lot No. 3; thence with Lot No. 3 North 24 deg. 28'00" West 140.48 feet to an iron stake, corner with Lot No. 3; thence with Lot No. 3 North 54 deg. 30'00" West 151.86 feet to an iron stake in the southern margin of NC Highway 62; thence with NC Highway 62 North 41 deg. 01'00" East 70.85 feet to the point and place of BEGINNING, containing 1.88 acres, more or less, and being all of Lot No. 2 as shown in Plat Book 30 at Page 154 less 50 foot portion conveyed to John R. Shepherd by Deed recorded in Book 650 at 945.

The City of Burlington will provide reasonable accommodations, auxiliary aids and services for any qualified disabled person interested in attending the public hearing. To request the above, you may call Ms. Rachel Kelly at (336) 222-5076 (Voice) or (336) 299-3107 (TDD) no later than seven days prior to the date of the public hearing.





















Renee Ward  
City Clerk  
City of Burlington

*Please run ad on Thursday, September 26, 2014.*



# Proposed Voluntary Annexation

## Legend

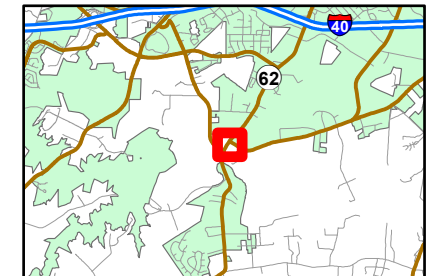
	Proposed Annexation	<b>Municipalities</b>
	Street Centerlines	 ALAMANCE
	Lakes / Ponds	 BURLINGTON
	County Boundary	 ELON
	Tax Parcels	 GIBSONVILLE
<b>Major Roads</b>		 GRAHAM
<b>Class</b>		 GREEN LEVEL
	Interstate	 HAW RIVER
	US Highways	 MEBANE
	State Highways	 OSSIPEE
	Local Major Roads	 SWEPSONVILLE
		 WHITSETT



1 inch = 200 feet

**Disclaimer:**  
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## Area Map:



Prepared By: City of Burlington, GIS Dept.  
September 10, 2014

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF BURLINGTON, NORTH CAROLINA**

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on October 7, 2014, after due notice by the publication on September 26, 2014; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of October 7, 2014 at 11:59pm.

**Setzer Contiguous Voluntary Annexation**

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a stake in the southwest margin of the intersection of NC Highway 62 and Anthony Road, and running thence from said point of beginning and, along the southern margin of Anthony Road South 57 deg. 55'40" East 337.63 feet to an iron stake in the southern margin of Anthony Drive corner with Lot No. 1 South 46 deg. 25'05"

West 331.85 feet to an iron stake, corner with Lot No. 1 in the line of Lot No. 3; thence with Lot No. 3 North 24 deg. 28'00" West 140.48 feet to an iron stake, corner with Lot No. 3; thence with Lot No. 3 North 54 deg. 30'00" West 151.86 feet to an iron stake in the southern margin of NC Highway 62; thence with NC Highway 62 North 41 deg. 01'00" East 70.85 feet to the point and place of BEGINNING, containing 1.88 acres, more or less, and being all of Lot No. 2 as shown in Plat Book 30 at Page 154 less 50 foot portion conveyed to John R. Shepherd by Deed recorded in Book 650 at 945.

Section 2. Upon and after October 7, 2014 at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 7th day of October, 2014.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00pm on October 7th, 2014.

Section 2. The area proposed for annexation is described as follows:

**Setzer Contiguous Voluntary Annexation**

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining and being more particularly described as follows:

BEGINNING at a stake in the southwest margin of the intersection of NC Highway 62 and Anthony Road, and running thence from said point of beginning and, along the southern margin of Anthony Road South 57 deg. 55'40" East 337.63 feet to an iron stake in the southern margin of Anthony Drive corner with Lot No. 1 South 46 deg. 25'05" West 331.85 feet to an iron stake, corner with Lot No. 1 in the line of Lot No. 3; thence with Lot No. 3 North 24 deg. 28'00" West 140.48 feet to an iron stake, corner with Lot No. 3; thence with Lot No. 3 North 54 deg. 30'00" West 151.86 feet to an iron stake in the southern margin of NC Highway 62; thence with NC Highway 62 North 41 deg. 01'00" East 70.85 feet to the point and place of BEGINNING, containing 1.88 acres, more or less, and being all of Lot No. 2 as shown in Plat Book 30 at Page 154 less 50 foot portion conveyed to John R. Shepherd by Deed recorded in Book 650 at 945.

Section 3. Notice of the public hearing shall be published in The Times News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of the public hearing.

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Mayor

ATTEST:

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Clerk

# **M E M O R A N D U M**

**To: Harold Owen  
City Manager**

**From: A. Lanny Rhew, P.E.  
City Engineer**

**Date: September 30, 2014**

**Subject: Public Hearing for Permanent Street Closing of a section of Albright Avenue from Somers Avenue to the end (200 ft. west)**

**The City of Burlington has recently received a request to permanently close a section of Albright Avenue between Somers Avenue to the end. City staff has reviewed this request and supports this street closing. On September 2nd, the City Council of the City of Burlington did declare its intent to permanently close this section of Albright Avenue and to call a public hearing to hear the matter on October 7, 2014, pursuant to N.C.G.S., Section 160A-299. The resolution of the intent was published once a week, for 4 consecutive weeks, prior to the hearing date. All adjacent property owners were sent registered mailing of the City's intent.**

**Please place on the City Council agenda at the October 7, 2014 meeting for a public hearing and consideration of this street closing.**

**cc: Charles Bateman  
City Attorney**

**Renee Ward  
City Clerk**





J.A. Lowe Memorial Church  
GPIN:8865388163  
PID: 123889  
ACTM: 74-326-100  
1712 W. Webb Avenue

Scott Gindelsperger, Jerry L. Fowler, III and Perry E.  
B=Nichols as Trustees of J.A. Lowe Memorial Church  
GPIN: 8865378849  
PID: 123859  
ACTM: 74-326-117  
1526 Granville Street



**RESOLUTION AND ORDER TO PERMANENTLY CLOSE ALBRIGHT AVENUE  
BETWEEN SOMERS AVENUE TO THE END**

**WHEREAS**, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on September 2, 2014, to consider permanently closing Albright Avenue between Somers Avenue to the end (200 ft.+/- west)

**WHEREAS**, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently close Albright Avenue between Somers Avenue to the end according to N.C.G.S. 160A-299.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON;**

- Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on October 7, 2014, and upon the terms and conditions hereinafter set forth, does hereby order to permanently closing Albright Avenue between Somers Avenue to the end and being more particularly described as follows:

Beginning at an existing iron pipe, a control corner, said existing iron pipe being located a bearing of S 14°20'26" E and a distance of 482.06' from NCGS monument "ONEAL", said monument having N C Grid coordinates N= 858,511.77' and E= 1,863,667.47'; Thence with the southern property line of the J. A. Lowe Memorial Church property and the northern right of way line of Albright Avenue, a bearing of S 59°31'05" E and a distance of 213.23' to an existing nail in the western right of way line of Somers Avenue; thence a new line along the western right of way of Somers Avenue, a bearing of S 20°06'39" W and a distance of 46.37' to an existing iron pipe in the southern right of way line of Albright Avenue; Thence with the southern right of way line of Albright Avenue and the northern property line of the J.A. Lowe Memorial Church property, a bearing of N 59°23'25" W and a distance of 206.82' to an existing iron pipe in the eastern property line of the J.A. Lowe Memorial Church property, Thence with the western right of way line of Albright Avenue and the eastern property line of the J.A. Lowe Memorial Church property, a bearing of N 12°22'46" E and a distance of 47.51' to an existing iron pipe, the place and point of beginning.

Containing 0.22 Acre+- and being based on Grid North Meridian (NAD 83 – 2011) according to a survey by Brady H. Goforth, PLS L-2955, City Surveyor, City of Burlington Engineering Dept., dated August 27,2014.

- Sec. 2. That the City does hereby reserve any and all, if any, existing water and sewer easements on the foregoing described property.

- Sec. 3. That notice of said public hearing was published on September 11, 18, 25 and October 2, 2014.
- Sec. 4. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.
- Sec. 5. That a notice of this closing was prominently displayed and posted in at least two places along said streets.
- Sec. 6. That the North Carolina State Highway Commission has not accepted any portion of said street for maintenance.
- Sec. 7. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington to permanently close Albright Avenue between Somers Avenue to the end and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.
- Sec. 8. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.
- Sec. 9. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.
- Sec. 10. That this resolution shall take effect upon passage.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON  
AMENDING CHAPTER 5 OF THE CITY CODE**

Whereas the City Council finds that there are conditions existing within the City contributing to the mistreatment of animals that should be addressed; and

Whereas North Carolina General Statutes Section 160A-182 authorizes municipalities to define and prohibit the abuse of animals;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:**

The following amendments and additions to Chapter 5 of the Burlington Code of Ordinances are hereby adopted:

**Section 1.** Section 5-1 of the Code entitled "Definitions" is hereby amended to add the following definitions:

***Adequate shelter:*** Provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, and the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat or similar devices that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

***Adequate exercise or exercise:*** The opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

***Adequate Space:*** Sufficient space to allow each animal to (i) easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns

***Humanely Clean Conditions:*** Minimum standards of sanitation necessary to provide humanely clean conditions for enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

**Section 2.** Section 5-25 of the Code is hereby amended by deleting the existing sub-sections (b) and (c) and renumbering the existing subsections (d) as (b), (e) as (c), (f) as (d), and (g) as (e).

**Section 3.** Section 5-27 of the Code is hereby amended by striking the existing title and renaming the section "Mistreatment of Animals Prohibited," renumbering the existing subsections (a), (b) and (c) as (c), (d), and (e) and adding the following new subsections:

- (a) It shall be unlawful for any owner and/or custodian to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment
- (b) It shall be unlawful for any owner and/or custodian to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight, bullfight, or other combat between animals or between animals and humans.
- (f) It shall be unlawful to allow animals to live in crowded or unsanitary conditions. Any dog confined within a fenced yard or enclosure must have adequate shelter, adequate space and exercise. Minimum space requirements for enclosures shall include the following:
  - 1. The enclosure shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal
  - 2. Enclosures must be kept in humanely clean condition
  - 3. Enclosures shall be constructed and maintained as to provide adequate space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. The animal should be able to sit, stand, turn and lie without obstruction.
- (g) No person shall tether, fasten, chain tie, or restrain an animal, or cause such restraining of an animal to any object during periods of which tethering is unlawful. Periods of lawful tethering shall be temporary in nature and for no longer than seven (7) consecutive days and shall not be misconstrued to permit the practice of continuous tethering of a dog as a method of restraint or confinement. An animal may be tethered, subject to the requirements of Section 5-27 in the following circumstances:
  - 1. Tethering for a period not to exceed seven (7) consecutive days while actively engaged in:
    - i. Lawful animal event (such as a show or sporting event)
    - ii. Lawful hunting activities, if reasonably necessary for the safety of the dog
    - iii. While a dog is actively engaged in shepherding or herding livestock
    - iv. When meeting the requirements of a camping or recreation facility
    - v. Law enforcement activities
    - vi. After taking possession of a dog that appears to be a stray dog and after having advised Animal Control of the stray.
  - 2. When the animal's caretaker is outside and within eyesight of the animal
- (h) During periods of lawful tethering, the following are stipulations to the types of tethers that may be used:
  - 1. Tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight.

2. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of fabric or leather
3. No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle-type collar or body harness
4. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog
5. No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten (10) percent of the dog's body weight
6. No person shall tether with a chain or wire or other device a dog in such a manner that does not allow the dog access to adequate food, water and shelter
7. Trolley systems: the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects
8. No person shall tether a sick, diseased and/or injured dog, or puppy (a dog that is one year of age or younger).

(i) Any violation of Section 5-27 (g), (h) shall subject the offender to a civil or criminal penalty as hereinafter set forth.

1. 1st offense: Written Warning
2. 2nd offense: \$100.00 (if the dog or cat is not spayed or neutered, the civil penalty may be voided in lieu of the owner having the dog or cat spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days)
3. 3rd offense: \$250.00
4. 4th and subsequent offenses: Violators shall be guilty of a class 3 misdemeanor and shall be punished and shall be fined not more than five hundred dollars (\$500.00).

Any violation of Section 5-27 (a), (b), (c), (d), (e), (f) shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00).

Each day a violation of this section continues shall constitute a separate offense. Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties. In addition to or in lieu of the foregoing remedies, violations of this section may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. 14-4 or G.S. 160A-175.

Any duly authorized local government official is authorized to issue this civil citation and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00).

This Amending Ordinance shall be effective as of the \_\_\_\_ day of \_\_\_\_\_, 2015.

Upon motion of Councilmember \_\_\_\_\_, seconded by  
Councilmember \_\_\_\_\_, the foregoing ordinance was duly adopted on the  
\_\_\_\_ day of \_\_\_\_\_, 2014 with Councilmembers

voting in the affirmative and Councilmembers  
voting no.

## Sec. 5-1. - Definitions.

As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meanings respectively set out opposite them:

*At large.* Off the premises of the owner.

*Dog.* Both the male and female of the canine species of animals.

*Fowl.* Any of the larger domestic birds specifically, chickens, ducks, geese and turkeys, collectively.

*Owner.* Any person owning, keeping or harboring a dog.

*Premises.* The principal residence of an owner. The word shall not include a vacant lot upon which no residence is located.

*Rabies suspect.* Any animal believed to have rabies or bitten by an animal suspected of having been running at large.

*Adequate shelter:* Provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, and the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat or similar devices that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

*Adequate exercise or exercise:* The opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

*Adequate Space:* Sufficient space to allow each animal to (i) easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns

*Humanely Clean Conditions:* Minimum standards of sanitation necessary to provide humanely clean conditions for enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

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## ARTICLE II. - DOGS

Sec. 5-19. - Limit on number per owner.

Sec. 5-20. - Running at large prohibited—Generally.

Sec. 5-21. - Same—Destruction of bitch in heat.

Sec. 5-22. - Vaccinations against rabies.

Sec. 5-23. - Dangerous, vicious dog—Prohibited.

Sec. 5-24. - Same—Destruction.

Sec. 5-25. - Nuisance.

Sec. 5-26. - Kennels.

Sec. 5-27. - Permitting animals to go without care, Mistreatment of Animals- Prohibited

Secs. 5-28—5-36. - Reserved.

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### Sec. 5-25. - Nuisance.

(a) It shall be unlawful for any owner and/or custodian to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passerby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

~~(b) It shall be unlawful for any owner and/or custodian to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.~~

~~(c) It shall be unlawful for any owner and/or custodian to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight, bullfight, or other combat between animals or between animals and humans.~~

~~(d)~~(b) It shall be unlawful for any owner and/or custodian to inappropriately house or secure a female dog in heat, in such a manner that she will be in contact with another dog.

~~(e)~~(c) It shall be unlawful for any owner and/or custodian to allow his animals to engage in excessive, continuous or untimely barking, whining or howling.



~~(f)~~(d) Any violation of this subsection shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Any duly authorized local government official is authorized to issue this civil citation and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties. In addition to or in lieu of the foregoing remedies, violations of this section may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. ~~14-4~~ or G.S. 160A-175.

~~(g)~~(e) Where there is a violation of subsection (e) of this section, substantiated by a complaint, a representative of the police department shall first issue a warning citation to the violator, directing that such nuisance shall be abated within twenty-four (24) hours. If the violator fails to abate such nuisance within the twenty-four (24) hours, then the violator shall be punished as provided in subsection (f).

(Ord. No. 71-23, § 1, 5-18-71; Ord. No. 92-9, § 2, 3-3-92; Ord. No. 95-20, §§ 1, 2, 5-16-95)

**Cross reference**— Nuisances, generally, Ch. 22.

## ARTICLE II. - DOGS

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Sec. 5-26. - Kennels.

Sec. 5-27. - ~~Permitting animals to go without care.~~Mistreatment of Animals- Prohibited

Secs. 5-28—5-36. - Reserved.

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### **Sec. 5-27. - ~~Permitting animals to go without care.~~Mistreatment of Animals- Prohibited**

(a) It shall be unlawful for any owner and/or custodian to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) It shall be unlawful for any owner and/or custodian to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight, bullfight, or other combat between animals or between animals and humans.

(c) ~~(a)~~ Whenever any animal is kept within any building or on any premises without food, water or proper care and attention, it shall be the duty of any animal control officer to enter said building or premises to take possession of and remove said animal so abandoned or neglected.

(d) ~~(b)~~ Whenever any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the animal control officer may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the animal control officer.

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(e) Every person maintaining a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control officer acting under the authority of this section.

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(f) It shall be unlawful to allow animals to live in crowded or unsanitary conditions. Any dog confined within a fenced yard or enclosure must have adequate shelter, adequate space and exercise. Minimum space requirements for enclosures shall include the following:

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1. The enclosure shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal

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2. Enclosures must be kept in humanely clean condition

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3. Enclosures shall be constructed and maintained as to provide adequate space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. The animal should be able to sit, stand, turn and lie without obstruction.

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(g) No person shall tether, fasten, chain tie, or restrain an animal, or cause such restraining of an animal to any object during periods of which tethering is unlawful. Periods of lawful tethering shall be temporary in nature and for no longer than seven (7) consecutive days and shall not be misconstrued to permit the practice of continuous tethering of a dog as a method of restraint or confinement. An animal may be tethered, subject to the requirements of **Section 5-27** in the following circumstances:

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1. Tethering for a period not to exceed seven (7) consecutive days while actively engaged in:

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1. Lawful animal event (such as a show or sporting event)

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2. Lawful hunting activities, if reasonably necessary for the safety of the dog

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3. While a dog is actively engaged in shepherding or herding livestock

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4. When meeting the requirements of a camping or recreation facility

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5. Law enforcement activities

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6. After taking possession of a dog that appears to be a stray dog and after having advised Animal Control of the stray.

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2. When the animal's caretaker is outside and within eyesight of the animal

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(h) During periods of lawful tethering, the following are stipulations to the types of tethers that may be used:

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1. Tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight.

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2. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of fabric or leather

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3. No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle-type collar or body harness

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4. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog

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5. No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten (10) percent of the dog's body weight

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6. No person shall tether with a chain or wire or other device a dog in such a manner that does not allow the dog access to adequate food, water and shelter

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7. Trolley systems: the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects

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8. No person shall tether a sick, diseased and/or injured dog, or puppy (a dog that is one year of age or younger).

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(i) Any violation of Section 5-27 (g), (h) shall subject the offender to a civil or criminal penalty as hereinafter set forth.

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1. 1st offense: Written Warning

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2. 2nd offense: \$100.00 (if the dog or cat is not spayed or neutered, the civil penalty may voided in lieu of the owner having the dog or cat spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days)

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3. 3rd offense: \$250.00

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4. 4th and subsequent offenses: Violators shall be guilty of a class 3 misdemeanor and shall be punished and shall be fined not more than five hundred dollars (\$500.00).

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Any violation of Section 5-27 (a), (b), (c), (d), (e), (f) shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00).

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Each day a violation of this section continues shall constitute a separate offense. Continued violation or continuing violations shall subject the violator to separate.

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distinct and successive civil penalties. In addition to or in lieu of the foregoing remedies, violations of this section may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. 14-4 or G.S. 160A-175.

Any duly authorized local government official is authorized to issue this civil citation and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00).

(Ord. No. 75-48 § 3, 5-6-75)

**Secs. 5-28—5-36. - Reserved.**

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## MEMORANDUM

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**TO:** Harold Owen, City Manager

**FROM:** Amy Nelson, Director of Planning & Economic Development

**DATE:** September 30, 2014

**SUBJECT:** City Council Agenda – October 7, 2014.

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A Request for Proposals was extended publicly to identify candidates to create a new unified development ordinance for the City of Burlington. After reviewing submittals and conducting onsite interviews, the selection committee unanimously recommends RATIO Architects, Inc. for this project.

Please ask the City Council at its meeting on October 7, 2014 to consider approving a contract for services with RATIO Architects, Inc. of Raleigh, North Carolina for completing the scope of services as outlined in the attached “Agreement Between Owner and Consultant for Planning Services”. Staff has reviewed the contract and has deemed it acceptable for City legal and insurance requirements. The proposed contract is attached for your reference.

A separate request has been sent to the finance department requesting a budget amendment be initiated in the amount of \$138,200 in order to cover the costs of the project as outlined in the contract.

If you desire further information, please advise.

AN/ds

## **Agreement Between Owner and Consultant for Planning Services**

An agreement made as of the \_\_\_\_\_ day of October 2014;

**Between the Owner:**                    **City of Burlington, NC**  
   **425 S. Lexington Ave.**  
   **Burlington, NC 27215**

And the **Consultant:**                    **RATIO Architects, Inc.**  
   **135 E. Martin Street, Suite 101**  
   **Raleigh, NC 27601**

**For the Project:**                        **City of Burlington Unified Development Ordinance**

**RATIO Project Number(s):**    **14175.000**

### **Terms and Conditions of Agreement Between Owner and Consultant**

This agreement is limited to the services, terms, and conditions described herein and in the attached Certificate of Liability Insurance. Written notice shall be given by the Owner to the Consultant, or Consultant to the Owner, if either becomes aware of any fault or defect in the services provided or of any nonconformance with this Contract.

### **ARTICLE 1 CONSULTANT'S RESPONSIBILITIES**

- 1.1**     The Consultant's services consist of those services enumerated in this agreement and performed by the Consultant's employees and/or sub-consultants.
- 1.2**     The Consultant's services shall be performed expeditiously as is consistent with professional skill and care and the orderly progress of the Project.
- 1.3**     The Consultant shall complete the Scope of Services outlined in this Agreement with the professional skill and care ordinarily provided by others practicing in the same or similar locality under the same or similar circumstances. The Scope of Services outlined below and the fee associated with it shall supersede all previous discussions of Scope and Fee between the Owner and Consultant, including any submitted and accepted proposal.

## **ARTICLE 2**

### **SCOPE OF SERVICES & SCHEDULE**

**2.1** The Consultant team, led by RATIO, will employ a six step strategy detailed on the following pages to provide a Unified Development Ordinance for the City of Burlington, NC.

This contract outlines a work program and timeline for the development of a unified development ordinance (UDO) and associated training for the City of Burlington. It is developed based upon our detailed proposal and work plan provided to the City, the ongoing comprehensive plan effort, and our prior experience in drafting UDOs. The work program is organized into six tasks.

#### **TASK 1: PROJECT INITIATION**

##### **1. BACKGROUND MATERIALS REVIEW**

The project initiation task establishes a common background and understanding of the project and the current conditions in the city. Team members will review the background materials of relevance to the project (e.g., the current zoning and subdivision regulations, draft provisions like the subdivision control standards, and other documents identified and provided by the city). The city shall provide at least one paper and one digital copy of all background material. The city shall keep the team informed of any text amendments approved during the course of the project, and shall provide a digital version of all text amendments following adoption.

##### **2. KICKOFF MEETING**

Following completion of the background review, team members will conduct a kick off meeting with key staff members to review and finalize the scope of work (as needed). Team members will also conduct meetings with other city departments as identified by city staff (e.g. Engineering, Public Works, Water Resources, etc.) to inform them about the project and collect initial input about how the current regulations work and issues to be addressed in the new UDO.

##### **3. STAKEHOLDER INTERVIEWS**

The team will also conduct a series of interviews (up to 12 taking place on one day) with interested stakeholders. The team will work with city staff to identify these interests, but they typically include local experts on the development process, business interests, community and neighborhood interests, and members of the environmental community. These meetings are usually conducted one-on-one or in small groups without city staff present so that interviewees may speak freely. Results of these interviews are summarized in Task 3, Code Assessment.

##### **4. MEETINGS**

To supplement the information collected in interviews and to introduce the project, the team will also conduct two presentations: One meeting with the Advisory Committee to collect their initial input and identify their role and responsibilities for review, and another with the City Council or the Planning and Zoning Commission (or a combination), to inform them about the project and collect their initial ideas. This meeting could be structured as a workshop or as a public forum, as determined appropriate by city staff and the project team.

##### **5. COMMUNITY TOURS**

In addition to the meetings and interviews, city staff will conduct a tour of the planning jurisdiction with project team members. The tour will include examples of “good” development, “bad” development, and areas where city staff has specific ideas about issues to be addressed. City staff shall prepare a map of the tour route annotated (by number) with expected stops and examples for the project team to consider. The map will include a list of the place names (and other relevant information) associated with the numbers on the map.



## 6. PROJECT WEBSITE CONTENT

Prior to the meetings in sub-task-task 4, the team will work with the City of Burlington to prepare and launch a project webpage hosted and managed by the City of Burlington, or MindMixer (as appropriate). The MindMixer option is available at no additional cost to the client (RATIO has a license available). The webpage will provide information on the project, deliverables, and serve as a single source of information for interested individuals. The team will provide content to city staff to keep the webpage current and informative throughout the process and will provide a conduit for city residents and business owners to provide direct feedback to city staff about the project. City staff is responsible for monitoring and providing responses to the public on the website.

### Key Tasks:

*Document review, finalize scope (as needed), conduct interviews, conduct meetings, tour, collect resources, establish website and associated content*

### Timing:

*One month to complete*

### Trips:

*This work program anticipates a total of four trips to the city by various team members:*

- *One one-day trip to conduct the kick off meeting and community tour;*
- *One one-day trip to conduct stakeholder interviews;*
- *One half-day trip to meet with the Advisory Committee; and*
- *One half-day trip to meet with the City Council, Planning and Zoning Commission (or a combination)*

### Optional Elements:

*None*

### Public Involvement Elements:

*Webpage content development and meetings with elected and appointed officials*

## TASK 2: IDEAS FORUM

### 1. IDEAS FORUM MEETING

Based on the kickoff meeting and direction obtained in Task 1, the team will conduct a one-day “Ideas Forum” during Task 2. The purpose for the Ideas Forum is to provide information and stimulate discussion with city residents and officials about how the forthcoming comprehensive plan will be implemented within the UDO, new planning ideas, current national best practices in coding, and how these ideas and trends might be adapted for use in Burlington. The forum is anticipated as a day-long series of presentations on various topics by the project team followed by facilitated discussions of topic areas among forum participants. The forum should follow an open house format so participants are free to attend the presentations or discussions of greatest interest.

While the exact content and sequence of the presentations will be decided with city staff following Task 1, some of the topics likely include:

- Burlington comprehensive plan implementation issues;
- Land use impacts of changing demographic and economic trends; and
- Procedural best practices (including incentives and flexibility).

Each presentation will describe the issue(s) involved, available alternatives, pros and cons, and case study examples. Presentation material will be structured for the general public (not planning professionals). Facilitated discussions could take place after each session, or at the end of the forum, and could be organized by topic area, by type of participant (resident or business interest), or by geographic location of interest.

The premise of the ideas forum is to give Burlington residents and officials a better understanding of the options available for the UDO and the pros and cons associated with each option. The objective is to identify some of the elements to be further explored in the code assessment to be completed in Task 3.

## 2. WEBSITE CONTENT

Following the forum, each set of presentation slides will be posted on the project webpage for review by those unable to attend. The webpage will also include a feedback link so that viewers can provide their input within the timeframe provided. Another option for the city to consider is webcast of the session presentations which would be facilitated by City Staff.

City staff will be responsible for advertising the ideas forum, finding and securing a suitable location, and providing the equipment necessary (e.g., chairs, tables, AV support & equipment, water, snacks and basic refreshments). Depending on the expected turnout, city staff may also be needed to help facilitate the meeting (sign-in table, helping with input etc.).

### Key Tasks:

*Presentation content selection, advertising, presentations, facilitated discussion, web content*

### Timing:

*One month to complete following Task 1. We expect the forum will last for approximately six hours (an additional three hours will be necessary for set-up, lunch, and break down)*

### Trips:

*One one-day trip to the city by various team members*

### Optional Elements:

*None*

### Public Involvement Elements:

*Advertisement about the forum, attendance, web ready content of presentations and feedback forms*

### **TASK 3: CODE ASSESSMENT**

#### **1. ASSESSMENT INITIATION**

Following completion of the Ideas Forum in Task 2, the team will begin development of the code assessment. The code assessment serves as the “road map” for the project and sets out the issues to be addressed in the project, team recommendations for addressing issues identified in Tasks 1 and 2, and the new UDO’s organization and appearance. This document serves as the framework for discussion about the new UDO for consideration and approval by city staff, the Advisory Committee, and City Council before drafting commences.

The code assessment will include five main sections:

1. An introduction that describes Burlington’s development context and development template;
2. A section that describes the input received during Task 1 and the ideas forum in Task 2;
3. A diagnosis section that outlines the key changes and recommendations for the new UDO (including the relevant comprehensive plan goals to be implemented);
4. A detailed outline of the proposed UDO structure, numbering system and document layout; and
5. An appendix that includes supporting information and examples from other areas (if necessary).

A comprehensive legal review of the code assessment first draft will also take place prior to review by the city’s attorney and city staff.

#### **2. CODE ASSESSMENT FIRST DRAFT/INTERNAL REVIEW**

The first draft of the code assessment is for internal staff review only. That review allows city staff to provide the team with feedback and identify any issues in the document in need of adjustment prior to public review. This work program anticipates city staff will review the document and provide one set of written comments on the draft code assessment within four weeks of submittal. City staff will need to resolve any internal differences of opinion or conflicts in advance of providing written comments. Following receipt of comments, the team will conduct a telephone conference with city staff to discuss the comments and then make revisions to the code assessment.

#### **3. CODE ASSESSMENT/ADVISORY COMMITTEE REVIEW AND MEETING**

Following revision, the public review version of the code assessment is made available for review by the Advisory Committee and posted on the webpage for review by the public. Approximately three weeks after delivery, the team will travel to Burlington to conduct one meeting on the code assessment with the Advisory Committee. At the city staff’s discretion, the meeting with the Advisory Committee will be conducted as a public forum. The Advisory Committee will provide feedback and reactions to the project team, but is not expected to provide a recommendation. Comments from the Advisory Committee will be provided to the City Council as part of the presentation of the code assessment. This scope of work does not anticipate any changes to the Code Assessment text prior to presentation to the City Council.

#### **4. BROCHURE**

To help facilitate review and understanding by members of the public, the team will also prepare a two-sided, graphically-intensive pamphlet or brochure that details the main recommendations included in the code assessment. This document can be made available in the Planning Department, on the web page, and in other locations that make it easy for Burlington residents to review. It will be provided at the same time as the public review version of the Code Assessment.

#### **5. CITY COUNCIL PRESENTATION**

After the presentation of the Code Assessment to the Advisory Committee, the team will return to Burlington to make

a formal presentation to City Council. The purpose for this presentation is to inform the City Council of the comments and suggestions made by the Advisory Committee, to collect feedback from the City Council on the document, and to establish consensus on the direction for the new UDO contained in the Code Assessment. Consensus on the Code Assessment from City Council is essential since the code assessment is the foundation for the code drafting taking place during Task 4.1. The team will prepare up to 1 text revision of the Code Assessment following the City Council presentation for staff and council review. Further presentations will be facilitated by city staff.

**Key Tasks:**

*Preparation of staff draft version, staff review and comment, publication, summary brochure, presentation to the Advisory Committee, and presentation to the City Council*

**Trips:**

Two half-day trips to the city by various team members

**Timing:**

*Four months from completion of Task 2 to presentation of code assessment to Advisory Committee.*

**Optional Elements:**

*None*

**Public Involvement Elements:**

*Summary brochure, Advisory Committee meeting as a public forum (if appropriate), City Council meeting*

## **TASK 4: CODE DRAFTING**

Once consensus on the Code Assessment is reached, the team will begin drafting the new UDO in Task 4. The new UDO will be consistent with the structure, contents, and layout described in the code assessment, and will be developed in Adobe InDesign. The new UDO will be written in plain English and supplemented with summary tables, illustrations, flow charts, and page layout techniques that make the document easy to navigate. It will include footnotes and other annotations about new standards, items for additional consideration, and a summary of the changes between the current regulations and the draft provisions.

To facilitate an easier and user-friendly review process, we will divide the drafting process into modules or groups of related chapters, each to be reviewed separately. For example, the drafting process might be organized into the chapters associated with procedures, the chapters associated with district and use provisions, and the chapters associated with the development standards. This approach has been used successfully in numerous code projects and helps ensure an efficient review. Each module will undergo legal review before delivery to city staff, but the city's attorney should also review and comment on the draft provisions as appropriate.

As with the Code Assessment, the team will prepare a staff draft version of each module for internal review. This work program includes a five-week review time from delivery for city staff to provide consolidated written consensus comments on a module. These comments would then be discussed with the team during a telephone conference and the public version of the module would be prepared. The city may desire to conduct meetings on draft module text with a technical review committee, and project team member attendance at these reviews is available on a time and materials basis. Once the public version of the module is prepared, it will be delivered to the Advisory Committee

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and made available on the project web page. Three weeks after delivery of a module to the Advisory Committee, members of the project team will travel to Burlington to present the module text to the Advisory Committee. Advisory Committee consensus comments will be noted for incorporation into the consolidated version of the document to be considered during the adoption process in Task 5.

After each of the modules is presented to the Advisory Committee, a consolidated version of the UDO will be prepared that incorporates the consensus recommendations provided by the Advisory Committee (and notes other recommendations made during the review process that did not achieve consensus). This consolidated version will include all illustrations, cross references, and other related text. To aid in review and understanding, the team will also produce an executive summary of four to five pages that details the main changes between the city's current regulations and the draft UDO. The companion document will be richly illustrated and convey the proposed changes in a simple and straightforward manner.

**Key Tasks:**

*Preparation of the draft UDO in modules, staff review and comment on each module, revision and publication of each module, presentation of each module to the Advisory Committee, preparation of a consolidated draft document, and preparation of an executive summary*

**Trips:**

*Three half-day trips to the city by various team members*

**Timing:**

*10 months following consensus on Code Assessment*

**Optional Elements:**

*None*

**Public Involvement Elements:**

*Advisory committee meetings, webpage content, executive summary*

## **TASK 5: ADOPTION**

Following assembly of the consolidated UDO and associated executive summary in Task 4, the adoption process will commence. City staff will be responsible for all required public notification and scheduling hearings on the UDO text. This work program anticipates that the new UDO will be adopted with a set of transitional standards that address how current zoning districts will be carried forward or converted to new zoning districts without requiring additional public notice or public hearings associated with zoning map amendments. In our experience, it is prudent to disengage the adoption of any zoning map changes from the adoption of the UDO text itself, and this work program does not contemplate project team participation in revisions to the zoning map.

Up to three public workshops or hearings will be conducted by the project team. There are several ways in which the city may wish to organize these presentations which will be determined during Tasks 1-3.

The project team will prepare a presentation for each public workshop or hearing, and be available to answer questions and make recommendations. Attendance at additional hearings or meetings beyond the three included in this scope of work is available on a time and materials basis.

Once the document has been adopted by the City Council, the project team will make all final revisions and prepare a final version of the adopted UDO. The project team will deliver final packaged documents in Adobe InDesign CS6,

images in PDF or JPEG format, and a searchable PDF of the UDO. In addition to a digital version of the UDO (including JPEG or PDF files of all included illustrations), the consulting team will work with the city's IT Department to ready a web-ready version of the UDO for placement on the city's website. City IT staff will be responsible for any necessary coding, and/or hosting, server needs. The web-ready version of the document will be searchable and include hyperlinks that will allow a user to quickly navigate cross references. The web-ready version of the document will retain the same structure and appearance of the printed version for greater continuity. The format and platform will be discussed and agreed upon at the Kickoff Meeting.

**Key Tasks:**

*Presentation at three public hearings, final revisions following adoption, preparation of a web-based UDO version, provision of hard copies of the document*

**Trips:**

Three half-day trips to the city by various team members

**Timing:**

*Completion of final revisions and web-ready version of the UDO one month after adoption*

**Optional Elements:**

*Attendance at more than three public hearings or meetings (completed on a time and materials basis)*

**Public Involvement Elements:**

*Public workshops or hearings*

## **TASK 6: TRAINING**

### **1. TRAINING SESSIONS**

Once the final version of the UDO has been prepared and provided to the city, the consulting team will conduct two days (6 hours per day + 2 hours of preparation each day) of training sessions on the new UDO. The training efforts will focus on four subject areas:

- Understanding the contents of the new UDO;
- Understanding the changes in the development review process between the current ordinance and the UDO;
- Understanding application content requirements; and
- Understanding how best to execute document maintenance/updates (for city staff only).

This work program includes two days of on-site training that can be organized as appropriate by the city. Typically, training sessions are geared to different audiences, such as city staff and members of appointed boards and commissions. Training sessions for city staff are usually more detailed and emphasize changes between prior and new ordinance provisions. Training for board and commission members deals primarily with the process or procedures associated with that particular board as well as changes in review criteria and relevant standards. A third "customer" for training is the city staff member assigned to update and maintain the digital version of the document as it is modified over time. Decisions on the sequence, timing, and content of training sessions will be determined by the project team and city staff following adoption of the UDO.

An additional training session to prepare City staff for internal updates to the document will be held. This session will consist of a tutorial on updating the document, a primer on the organizational system, and data maintenance in

Adobe InDesign.

## 2. TRAINING SESSION MATERIALS

This work program anticipates the preparation of a series of presentations that will deal with different aspects of the new UDO that may be organized and presented based upon the audience. These presentations include:

- A general overview of the new ordinance structure, including format, organization, and key changes between current and prior provisions.
- A presentation focusing on the procedural changes (including enforcement and nonconformities) in the new UDO.
- A presentation focusing on changes in zoning districts and use provisions in the new UDO.
- A presentation that deals with changes to development standards (like parking, landscaping, design provisions, etc.).

Optional Task 4: Specialized training session intended for use with members of the development community and the public. This session could be more general in terms of its coverage of the UDO provisions, and go into more detail about how the changes would affect recently approved development. The session could consider how 3 or 4 recently-approved developments might differ (in terms of configuration, available density, approval time, cost, etc.) under the new UDO.

These presentations will be provided on the city's webpage, and the city may wish to provide them via webcast as well.

### Key Tasks:

*Preparation of a general overview of the new UDO, preparation of a series of four detailed presentations on various aspects of the new UDO, two days of training sessions*

### Trips:

*Two one-day trips to the city by various team members*

### Timing:

*Scheduling of training sessions one month after completion of final document*

### Optional Elements:

*Optional Task 4 - Training session for the development community and the public on the impact of the UDO*

### Public Involvement Elements:

*Inclusion of training session presentations on the web page*

### **ARTICLE 3 OWNER'S RESPONSIBILITIES**

- 3.1** The Owner shall provide full access to information it possesses and/or that is readily accessible at no cost to the Consultant.
- 3.2** The Owner shall assign, and convey in writing to the Consultant, a representative authorized to act on the Owner's behalf with respect to the Project. The Owner's representative shall render decisions in a timely manner pertaining to material submitted by the Consultant in order to avoid unreasonable delay in the orderly sequential progress of the Consultant's services. The Owner's representative shall coordinate the Owner's activities and decision making process and shall be responsible for coordinating and communicating the Owner's comments, decisions, and information in the Consultant.
- 3.3** The Owner shall furnish all previously completed and related studies, plans and information collected as they pertain to this Project. Further, maps, both hard copy and electronic which relate to information collection or which are necessary for the orderly and expeditious completion of this Project shall be provided to the Consultant.
- 3.4** The Owner shall provide a legal review of the final products of the Project prior to adoption and make any findings and/or necessary changes known to the Consultant in writing.
- 3.5** The Owner shall be responsible for arranging local meeting space and publicizing local meetings, both internally and to the public as necessary. Further, the Owner shall pay any related costs of advertising public hearings.
- 3.6** The Owner shall be responsible for participating in the distribution of all appropriate materials, other than those specifically identified as being the responsibility of the Consultant in the Scope of Services, to appropriate local individuals, groups, and locations once the Consultant delivers the appropriate copies to the Owner's representative. The Owner shall be responsible for creating any additional copies of documents that are required in excess of this Agreement, or shall compensate the Consultant for such documents based on negotiated additional services.

### **ARTICLE 4 DELIVERABLES**

- 4.1** Deliverables from the Consultant to the Owner for this project shall include the following:
  - 1) Deliverables during the project shall include the following:
    - a. One hardcopy of draft documents, summaries, meeting notes, reports, etc. as described by the Scope of Services.
    - b. An electronic version of each document capable of being posted on the Internet and distributed via e-mail, ftp site, or CD-Rom.
  - 2) Final deliverables at the conclusion of the project shall include the following:
    - a. Up to 36 hard copies in color total of the final UDO document for use by the Owner suitable for placement in a three-ring binder (we assume binders will be provided by the City).



- b. One (1) Flash drive loaded with the final document for distribution in PDF format.
- e. One (1) packaged copy of the final document in its original software and all graphics in a JPEG of PDF format, on flash drive.

**4.2** The Owner shall be responsible for creating any copies of deliverables that exceed this Agreement.

**4.3** All project deliverables shall become the property of the Owner upon completion of the project and payment in full of all monies due to the Consultant. The Owner shall have unlimited rights to revise, alter, reproduce, exchange, share, and modify the deliverables as necessary and appropriate in their common and accepted use. The Consultant shall have unlimited rights to reproduce the deliverables in whole or in part, including their content, format, and other elements only for the purposes of marketing the Consultant's products, and providing services to other Owners. However, this provision shall not be construed to entitle Consultant to market Project deliverables for resale.

## **ARTICLE 5 ADDITIONAL SERVICES (DIRECT EXPENSES & LABOR)**

- 5.1** Owner and Consultant agree that all services identified by this Agreement are intended to be performed for the fee indicated by Article 9 of this Agreement.
- 5.2** The labor required for the Consultant to complete any additional services beyond the identified Scope of Services & Schedule, shall be invoiced at the hourly rate as identified below(subject to annual adjustment):

<u>FIRM TITLES</u>	<u>2014 HOURLY RATES</u>
	(Subject to annual adjustment)
1. Principal 1	\$235.00
2. Principal 2	\$210.00
3. Associate Principal	\$200.00
4. Senior Associate	\$160.00
5. Associate	\$150.00
6. Senior Professional	\$140.00
7. Professional	\$115.00
8. Graduate Professional	\$100.00
9. Intern	\$75.00
10. Administrative	\$75.00

No additional services will be incurred or invoiced without written notice to proceed.

- 5.3** Direct expenses incurred by the Consultant may include the following and shall be invoiced to the Owner at cost as identified in Section 9.2.
- a) Drawing reproduction / photographic reproduction
  - b) Copying
  - c) Supplies
  - d) Mailing / express mail
  - e) Long distance communications
  - f) Renderings and advanced visualization items
  - g) Agency reviews
  - h) Lodging and meals
  - i) Travel expenses beyond designated total number of included meetings
  - j) Other, approved, miscellaneous expense incurred in the interest of the project.

## **ARTICLE 6 CLAIMS AND DISPUTES**

- 6.1** Owner and Consultant shall commence claims and causes of action whether in contract, tort, or otherwise, against the other arising out of or related to this Agreement in accordance with the requirements of Section 6.2, within the period specified by applicable law, but in any case not more than ten (10) years after the date of Substantial Completion of the Work.
- 6.2** If a dispute arises out of, or relating to, this Agreement, or the breach thereof, and if the said dispute cannot be settled through direct discussions, the parties agree to endeavor to settle the dispute in an amicable manner by mediation through a mutually agreed upon service or party acceptable to each. The mediation process shall be initiated upon the filing of written notice by either party on the other party of the desire to engage in mediation. During the mediation process all applicable statutes of limitations shall be deemed tolled. The mediation process shall end and applicable statutes of limitations shall begin to run again, upon the service of written notice by one party upon the other that it has determined mediation to be unsuccessful and that the party is thereby terminating the mediation process. However, no such notice terminating the mediation process shall be effective until at least one formal mediation session is held without a settlement of the dispute.
- 6.3** If the parties are unable to agree upon a mediation service, mediation shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of this Agreement. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the County of Alamance, in the State of North Carolina. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof. Unless the Agreement is otherwise terminated pursuant to the provisions of the Agreement, Pending the resolution of any disputes, the Consultant shall continue to render services under this Agreement and the Owner shall continue to make payments of the amounts due to the Consultant under this Agreement.

## **ARTICLE 7**

### **TERMINATION, SUSPENSION OR ABANDONMENT**

- 7.1** This Agreement may be terminated by either party at any time without cause upon issuance of written notification of termination that shall be effective thirty (30) days from the date of mailing.
- 7.2** The Agreement may be terminated by the Owner upon not less than seven (7) days' written notice to the Consultant in the event that the Project is permanently abandoned. If the Owner abandons the Project for more than sixty (60) consecutive days, the Consultant may terminate this Agreement by giving written notice.
- 7.3** Failure of the Owner to make payments to the Consultant in accordance with this Agreement shall be considered substantial nonperformance and cause for termination.
- 7.4** If the Owner fails to make payment when due the Consultant for services and expenses, the Consultant may, after invoice is due and upon written notice to the Owner, suspend performance of services in this Agreement. Unless payment-in-full is received by the Consultant within fifteen (15) days from date of notice, the suspension shall take effect without further notice.
- 7.5** If either the Owner or Consultant terminates this agreement pursuant to this article, the Owner shall pay the Consultant for services rendered up to the date of termination. The Consultant shall provide the Owner with all work produced up to the date of termination for the Owner's use in accordance with Article 4.

## **ARTICLE 8**

### **MISCELLANEOUS PROVISIONS**

- 8.1** Unless otherwise provided, this Agreement shall be governed by the laws of the State of North Carolina.
- 8.2** The Owner and Consultant, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party; to this Agreement; and to the partners, successors, assigns and legal representatives of the other party with respect to this Agreement.
- 8.3** This Agreement represents the entire and integrated agreement between the Owner and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Consultant.
- 8.4** The Owner and Consultant may reconsider and renegotiate the fee within this Agreement if the Project extends six (6) months beyond the targeted completion date. The targeted completion time frame for the Project is fifteen (15) months from the date this agreement is signed by the Owner. Should there be an opportunity to expedite the schedule, Owner and Consultant will collaborate and mutually agree to a reduced schedule.
- 8.5** The Consultant will not assign its interests in this agreement without the written consent of the Owner.

## **ARTICLE 9 COMPENSATION**

- 9.1** In consideration of the Scope of Services and Schedule, the Consultant will complete the Project for a fee of One Hundred Thirty Four Thousand Dollars (**\$138,200**)  
The Tasks of the Project and the compensation for each Task of the Project are as follows:

### **Basic Services**

TASK 1 – Project Initiation .....	\$7,000
TASK 2 – Ideas Forum.....	\$10,000
TASK 3 – Code Assessment.....	\$20,000
TASK 4 – Code Drafting.....	\$65,000
TASK 5 – Adoption.....	\$8,000
TASK 6 – Training.....	\$10,000
Legal Review .....	\$9,000

**BASIC SERVICES FEE TOTAL .....\$129,000**

### **Production Services**

36 paper copies of UDO (at \$200 each per proposal text).....\$7,200

**PRODUCTION & BASIC SERVICES FEE TOTAL.....\$136,200**

### **Selected Optional Tasks**

Our team's submittal identified a number of optional services and tasks. The cost for these tasks is identified below and are in addition to the Basic and Production Services Fees:

Optional TASK 4 – Additional Developer Training Session.....\$2000

**OPTIONAL TASK 4, PRODUCTION & BASIC SERVICES FEE FINAL TOTAL  
.....\$138,200**

Optional TASK 3 – Additional Meetings \$1,500.00 plus travel expenses

- 9.2** Invoices shall be sent monthly and shall be in proportion to services performed. Payment is due upon receipt. Invoice amounts unpaid for more than sixty (60) days are subject to an additional fee equal to one percent (1%) of the invoice.
- 9.3** If the project is abandoned, in part or in whole, payment on account of the services performed shall be made by the Owner to the Consultant upon presentation of a final accounting of services rendered and expenses incurred since the last paid invoice to the date of such action.

## **ARTICLE 10 COPYRIGHTS AND LICENCES**

- 10.1** A. Ownership of Documents. Drawings, specifications, guidelines and other documents prepared by Consultant in connection with this Agreement shall be property of the Owner. However, Consultant shall have the right to utilize such documents in the course of its marketing, professional presentations, and for other business purposes.
- B. Use of Work. Owner assigns to Consultant the right to: 1) reproduce the work prepared under this Agreement; 2) distribute copies to the public; and 3) display the work publicly. Consultant shall have the right to use materials produced in the course of this contract for marketing purposes and professional presentations, articles, speeches and other business purposes.

## **ARTICLE 11 INSURANCE**

- 11.1** A. Additional Insured. The City of Burlington is included as an additional insured per the attached Certificate of Liability Insurance.
- B. Waiver of Subrogation. A waiver of subrogation applies with respect to the General Liability Policy, The Employers Liability Policy and the Automobile Liability Policy per the attached Certificate of Liability Insurance.

This Agreement entered into as of the day and year as written above.

**Owner**

City of Burlington by:

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Ronnie K. Wall  
Mayor

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

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Peggy Reece  
Director of Finance and Risk Management

**Consultant**

RATIO Architects, Inc. by:

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John D. Jackson, ASLA, LEED AP

Principal, Director of Landscape Architecture, Urban Design + Planning

**ACORD**<sup>TM</sup>**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

9/29/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Old National Insurance</b> <b>P.O. Box 80159</b> <b>Indianapolis, IN 46280-0159</b> <b>317 575-9999</b>	<b>CONTACT NAME:</b> Kristen Strasser <b>PHONE (A/C, No, Ext):</b> 317-706-9518 <b>FAX (A/C, No):</b> 317-706-9718 <b>E-MAIL ADDRESS:</b> kristen.strasser@oldnationalins.com	
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Travelers Property Casualty of <b>INSURER B:</b> Travelers Indemnity Co <b>INSURER C:</b> Hudson Insurance Company <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
<b>INSURED</b> <b>RATIO Architects, Inc.</b> <b>107 South Pennsylvania Street</b> <b>Suite 100, Schrader Building</b> <b>Indianapolis, IN 46204</b>	<b>NAIC #</b> <b>25674</b> <b>25658</b> <b>25054</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC			<b>6803D347923</b>	<b>07/01/2014</b>	<b>07/01/2015</b>	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>300,000</b> MED EXP (Any one person) \$ <b>10,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> \$
<b>A</b>	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			<b>BA3D350792</b>	<b>07/01/2014</b>	<b>07/01/2015</b>	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
<b>B</b>	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ <b>10000</b>			<b>CUP003D41499A</b>	<b>07/01/2014</b>	<b>07/01/2015</b>	EACH OCCURRENCE \$ <b>5,000,000</b> AGGREGATE \$ <b>5,000,000</b> \$
<b>A</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	<b>XVMPAUB6821Y643</b>	<b>07/01/2014</b>	<b>07/01/2015</b>	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ <b>500,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>500,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>500,000</b>
<b>C</b>	<b>Professional Liability</b>			<b>AEE7291800</b>	<b>07/01/2014</b>	<b>07/01/2015</b>	<b>\$5,000,000 Per Claim</b> <b>\$5,000,000 Aggregate</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**RE: Burlington UDO Project (14123.00)**

Where required by contract or agreement requiring insurance, City of Burlington is included as additional insured with respects to the General Liability policy. Where required by contract or agreement requiring insurance, a waiver of subrogation in favor of City of Burlington applies with respects to the General (See Attached Descriptions)

**CERTIFICATE HOLDER****CANCELLATION**

**City of Burlington**  
**425 S. Lexington Avenue**  
**Burlington, NC 27216**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*John S. Flynn*

## DESCRIPTIONS (Continued from Page 1)

Liability policy. Where required by contract or agreement requiring insurance, a waiver of subrogation in favor of City of Burlington applies with respects to the Employers Liability policy. Where required by written contract or agreement, City of Burlington is included as additional insured with respects to the Automobile Liability policy. Where required by contract or agreement requiring insurance, a waiver of subrogation in favor of City of Burlington applies with respects to the Automobile Liability policy.



# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

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**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015-25 - Planning - Unified Development Ordinance

**DATE:** October 1, 2014

Attached is a memorandum from Amy Nelson, Director of Planning & Economic Development requesting a budget amendment for the cost of services relating to the City of Burlington's Unified Development Ordinance (UDO). This will be the first update to the City's zoning and subdivision ordinances. These updates will assist in the City meeting its goals set forth in the Comprehensive Plan.

Please ask the City Council to amend the 2014-2015 budget at its October 7<sup>th</sup> meeting as follows (Please note: Attached is the contract with RATIO Architects for Council's approval as well as the budget amendment below to allocate the necessary funds at its October 7<sup>th</sup> meeting.)

### BA2015-25

#### Increase Revenues:

010-39398-0000 Appropriated Fund Balance	\$138,200
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#### Increase Expenditures:

010-49491-1900 Professional Services	\$138,200
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Attachment

cc: Charles Bateman, City Attorney  
Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Nolan Kirkman, Director of Development & Tech. Services  
Amy Nelson, Director of Planning & Economic Development  
Daniel Shoffner, Senior Planner  
Beverly Smith, Deputy City Clerk  
Renee Ward, Administrative Manager/City Clerk

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## MEMORANDUM

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**TO:** Peggy Reece

**FROM:** Amy Nelson, Director of Planning & Economic Development

**DATE:** September 30, 2014

**SUBJECT:** City Council Agenda – October 7, 2014.

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Please ask the City Council at its meeting on October 7, 2014 to consider a budget amendment in the amount of \$138,200 for a contract for services with Ratio Architects of Raleigh, North Carolina for completing the scope of services as outlined in the attached “Agreement Between Owner and Consultant for Planning Services”. This work is for the creation of the City of Burlington Unified Development Ordinance. Staff has reviewed the contract and has deemed it acceptable for City legal and insurance requirements. The proposed agreement is attached for your reference.

If you desire further information, please advise.

AN/ds